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MODERN CHIVALRY:

CONTAINING THE

ADVENTURES OF A CAPTAIN

AND

TEAGUE O'REGAN,

HIS SERVANT.

BY H. H. BRACKENRIDGE,

Late a Judge of the Supreme Court of Pennsylvania.

WITH THE LAST CORRECTIONS AND ADDITIONS OF THE AUTHOR.

——RIDENTEM DICERE VERUM QUID VETAT?——

HOR.

VOL. II.

PITTSBURGH:

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MODERN CHIVALRY.

BOOK I.

CHAPTER I.

THIS work, y'cleped Modern Chivalry, having fallen into the hands of a maker-up of vestments for the human body, alias, one by trade a tailor; in the Latin language denominated sartor, vestiarius, sarcinator; for it would seem they had tailors among the Romans—one of these, I say, had come across this book, and reading a little of it occasionally on his shop-board, seems to have felt some irritation at the obscurity of certain terms not well understood, being in the Latin, or Greek language, or derived from thence; so that not being able to get at the root, he could not comprehend the stem of the tree; nor enjoy the adumbration of the branches and foliage. I had received from him the following letter, in which he cites scripture against me; so that I could not well avoid answering him, having made the matter so serious. I do not give the date of his letter to me, nor of mine to him, as not being material as to the predicaments of the ubi or the quando; that is, the when or the where, of Aristotle; nor is it material that I give the name or sir-name; or as the Romans would have said, the nomen, pronomen, or cognomen of the artist in this case. It is sufficient that I give his ideas as they came from under his goose, hot from the press, as they might be said to be. After some introductory compliments, which I omit, he comes to the point, or, in other, words takes up his parable, and says—

"When your book came my way, I read all of it that I could understand, and gave it to my apprentices to read and I hope I

has been useful to them : but no doubt it would have been more so, had it been all written in the English tongue; but unfortunately, some of it is written in a kind of foreign jargon, which neither they nor I have any knowledge of; having only learnt English, or American ; but I do not mean to include in what I do not understand, that which is put into the mouth of Teague, as the Irish brogue ; nor any thing that Duncan is made to say, or actually did say; for the dialect of Duncan, which is called braid-scots, or what is the same thing, the Scots-Irish, was my mother tongue. That I might not be mistaken, I asked a schoolmaster in our town, what language he took it to be with which you so copiously interlard your book. He told me, he took it to be Latin, a language spoken some ten or fifteen hundred years ago, by a race of Pagans, who inhabited a part of Italy, and was still used by the Priests of the Romish church in the performance of the more solemn parts of their worship, but was not the vernacular tongue of any people on earth at this day ; nor was it likely that it ever would be ; though there were words borrowed from it in many of the European languages ; which however were now perfectly naturalized, and impatriated. I asked him if he could conjecture what could move you to write Latin ; or, at least make Latin quotations to a people very few of whom understood any thing but English, and Dutch, and some Irish ? He told me it had long been considered the infallible criterion of a learned man to understand Latin and Greek ; that it was very common with writers to throw in sentences here and there, in their productions, in order to let their readers know that they were learned ; or, at least, to make them think so. I presume the school-master was correct. But surely there was no necessity to break the thread of your discourse for this vain purpose. I anticipate your repeating those obsolete antiquated arguments that have been so often urged, and so often refuted, to induce people to waste the precious season of youth in learning languages which never can be of any avail to them until the resurection ; and not then, unless they should be placed in a colony of ancient Romans, or Greeks. Nor am I certain that the Latin and Greek which are now learned out of the few remaining books written in ancient times,

would be understood by the mass of the people who then lived in those countries. This I know, that, if we could talk no other kind of English than that used by our poets, and prose-writers, we could not transact much of the business of common life. A shop-keeper, for instance, could not do the business of one day in his shop; nor could we find words sufficient to buy and sell a horse. But, you will say we must know the roots of words. What signifies whence the root came from, or where it lies, if we know the word? To understand English, must a person learn all the languages from which it is derived? If so, he must spend a life in learning languages; and indeed a long life would not suffice. But the thing is absurd. We know that those who never learned Greek, or Latin, understand the meaning of the words, sermon, oration, audience, amorous, subpœna, scire facias, and an endless number of other words, as well as the best Latin, or Greek critics. They understand nothing about their roots, but they understand the ideas they are used to convey, just as well as those who have dug four or five years to reach the root. If half the time of young people was employed in acquiring a knowledge of the English tongue, that is wasted in teaching them dead languages, they would be much better English schollars. Solomon says, "a living dog is better than a dead lion." But I have no objection that those who can afford it may learn as many languages as they please; provided that men of sense would not indulge the vanity of mixing their writings with unknown phrases. This induces people to buy their books; to whose great disappointment, and mortification, when they persue them, they find the sense every now and then broken and interupted, by foreign jargon, without any explanation or interpretation, which would be quite as well, were it left blank. Now there is no justification, nor apology, for the trick; for those who understand English and Latin, would understand it as well were it all English. But thousands who could understand it were it English, cannot make sense of the Latin; and often without understanding the Latin, the sense of a good deal of what goes before, and follows after, is lost. If a man will write Lattin, let him write his whole book in Latin, and in that case mere English scholars will not be imposed on,

Nothing in the world frets or vexes me more than to be stopped in a subject in which I feel myself deply engaged, by a gap filled up with the rubbish of an unknown tongue. Permit me to call your attention to the 14th chapter of Paul's first epistle to the Corinthians. St. Paul understood as many languages, both by inspiration and by education, as all the lawyers, doctors, and divines in America; yet he had not the vanity of making a display of his learning where it could answer no good purpose; and severely censures those who did so. He seems to have been fully sensible of his great gifts and acquirements in this matter; yet he despised exercising those gifts merely to shew his skill, and to puzzle those whom he addressed. I am inclined to think that those tongues which Paul understood so well, were living tongues, not languages which were dead and buried some thousand years before his time. It is probable he understood the Hebrew, and whether or no this was the language spoken by the Jews in Paul's time, I am not antiquarian enough to know; but rather think from their being so long mixed with other nations, it was not the ancient Hebrew. If so, I am persuaded he would not bother them with it, either in his speeches or writings. If I were in the habit of betting, I would venture something that his epistle to the Hebrews is neither written in the ancient Hebrew tongue, nor is it crammed every where with quotations from this tongue. St. Paul was an humble modest man, and neither vain of his attainments nor of his gifts; I mean those which he had by inspiration, or by education."

So far this respectable mechanic, to whom, as civility demanded, I drew up, and directed an answer; and having given that from him to me, a place here, it will be but justice to myself to insert that to him from me, in this book also. It was as follows;

"In that very epistle which you cite, we have the authority of St. Paul in favour of acquiring languages. In verse 5 of Chapter 14, he says, "I would that ye all spake with tongues." In our day, when inspiration has ceased, it is only by human means, that a knowledge of tongues can be acquired; nevertheless the advantages must remain the same; and the Apostle must be

considered as still disposed to say, "I would that ye all spake with tongues." To say the least of it, it can do no harm even now, to be able to converse in more languages than one, though there may not be the same necessity as at an early period, where the gospel was to be preached to every creature. Whether the time is wholly thrown away, that is spent at the academies, in acquiring a knowledge of what are called the dead languages, so as to be able to understand the books that are written in those tongues, is a dispute into which I shall not enter; because the chief thing that I am anxious to defend myself against, is, the impropriety of introducing the knowledge that one has of these, in an improper place; that is, to those who do not understand them; which may be considered, supposing the acquisition valuable, as "throwing pearls before swine." As to the imposing upon a purchaser, it is out of the question, since a bookseller will permit one to look at the book before he purchases. And if he sees any thing like Latin, or Greek, he can refuse to purchase. He is under no necessity of purchasing a pig in a poke, in this case; and as to fretting and vexing a reader, it must be refered to his own evil passions to so disquieted when he has purchased with his eyes open. You seem to speak in this case, or at least to write, as if all books were to be made for you, and to your particular taste; not considering that there are some who value a work the more for having a sprinkling of Greek, and Latin, or other language, dead or living. When you make a coat for your customers, do you not find some who will chuse a cape of velvet to a cloth coat; and, perhaps, the cape of a different colour from the coat? If you were to make up coats not bespoke, would you not look to the possible taste of what might be thought fashionable, adjust your own judgment to that of the public's, and put, perhaps, buttons on the haunches where there is no use for them; and not even holes along side, to accomplish the fashioning of part to part? For you could not be sure that those alone of the Friends, or Quaker society, would be your customers. The costume of military men is blue and buff, or red and white facings, in some instances, and it will behoove you to accomodate to this, though your own choice would be a coat of one colour throughout,

We find from the scripture, that "Israel made his son Joseph, a coat of many colours." This, doubtless, because according to his notions of things, it was the more splendid. Whether it was woven with stripes of many colours, or of mixed dies in the warp and woof, like the plaid of the Caledonians, the text does not say. It might be made up of small pieces of different colours, put together as thrifty housewives make what is called patch-work. I have seen what is called a rag carpet, made up by industrious women; and variegated from the materials of which it was composed. Hogarth in his analysis of beauty, lays down *variety* to be a principle of this, as well as *utility*. To reduce, therefore, every thing to what is absolutely of one appearance, would interfere with the embellishments of dress, and, in many other cases, with what pleases the eye. Why does nature give us red, purple and all the colours of the rainbow, in trees, plants, and flowers, but because these please the sense of man? But the eye, you will say, can comprehend these, but the unlettered mind cannot comprehend Latin, and much less Greek, or Hebrew, or Samaritan. But is there not a sublimity in the obscure? At least the great Burk, in his treatise on the sublime, so lays it down. In the natural world there is something in darkness, which impresses the mind with awe. A lowering cloud brings an impression of dignity, and grandeur. In the moral world, is there not more in mystery, than in what is self-evident? Why, otherwise, do we value preachers in the pulpit, in proportion to their dwelling on what is unintelligible? Mere morality, and nothing more, says the hearer; I want something that I cannot understand. What sort of doctrine is that which is little more than human knowledge; and being so, cannot be orthodox? Give me the divine, says one, that will speak through his nose, whack the pulpit, and make the whole house ring; who will shut his eyes, and open his mouth, and stamp with his foot. It is of no moment whether I understand his words or not; or rather I would not wish to understand him, for if I did, I would take it for granted that it was not so deep as it ought to be.

This book is written for individuals of all attainments, and of all grades of intellects. What hinders me, therefore, to season

the work with what may please the Latin and Greek scholar? I refer you to your own Paul, who says in the same epistle, chapter 9th, verse 22d, "To the weak I became as weak, that I might gain the weak." Now supposing me to consider this pie-balding of a work, by the interspersion of different languages, to be but little more than pedantry; and to savour of an affectation of learning; yet, may I not be looking at some great examples over the water, or perhaps on this side, who have seasoned their compositions with the same salt and pepper, which, to the natural taste, might not perhaps be so well suited. You appear to be a good religious man, by your quoting St. Paul; and no doubt have read some, or perhaps most of the religious books that have been published in England and Scotland, subsequent to the era of the reformation, or about that time; and will you not find these abundantly replete with quotations from the Greek and Latin fathers? And it cannot be supposed that the tradesmen of that day were better acquainted with what are called the dead languages than what you allege yourself to be. And yet I doubt whether on a new edition of these writings, you would suffer those sentiments, though in an unintelligible tongue, to be struck out of those books · and yet you complain because in this unsanctified work I make a little free; or cabbage a sentence, now and then, from a Pagan poet, or prose writer, because fraught with good sense and sound morality. Why not translate these quotations, you will say? Because I am afraid of affronting learned men, who would resent it as being thought necessary to them. What? they would say; did this blockhead take it for granted that they were all peddlars and bog trotters in this country, and did not understand the Greek, or Latin tongue? If that is the case, let it be left to Snip, or Crispin, or Traddle to read it. As for us, we have no need of a translation of sentences that are in every one's mouth, that can pretend to be scholars."

Such was my answer to this respectable mechanic. For though I have used the words, Snip, Crispin, or Traddle, it will not be supposed, or at least ought not to be supposed that I mean to undervalue handicraft persons; but simply as desig-

nating occupation; for I must consider myself as related to all of these; not because of the family of Adam; for we are all related in that way; but as being of a race that, for what I know, had more of these in its heraldry, than feudal chieftains, or lettered men.

But what could be expected from an unlettered man writing to me, but a misconception of the advantages to be derived from classical learning, and a repuguance to all that did not flatter the vanity of such readers; but must put them in mind of the deficiency of their education? With such, what can we expect but levelling sentiments in church and state? It is the nature of man, that if he cannot raise himself to the attainments of the learned, will be disposed to bring bown academic studies to his own opportunities. There have been even men of academic education, in our day, that to escape the imputation of pedantry, will avoid even at the bar, the uttering a Latin maxim, though they may have these derived from the civil law, at their finger's ends. Not so, Mansfield, or Kenyon, or M'Donald, or Ellenborough; at least, not so, Coke, or Bacon, Campden, or other great masters of the law. Profound research is not consistent with such squeamishness of shunning quotations in the learned languages, but a richness of quotation of pithy sentences in the Latin tongue, is some evidence of reading such reports as those of Dyer, Plowden, and Hobart.

We cannot entertain a doubt, consistent with revelation, but that at the first propagation of the gospel, the gift of tongues was communicated to simple men by inspiration; but, in what proportion we do not find. For, that there was less or more in the communication, is evident from what Paul says; "I thank my God, I speak with tongues more than ye all." But if the speaking with tongues was considered a blessing, from inspiration, is the acquiring these by ordinary means, to be undervalued? A knowledge of languages, can be acquired only in the academies, or by travelling, unless the individual has had the advantages of several cradle languages, or vernacular tongues taught in his infancy; which was the case with Paul, having had the advantage of being born of Hebrew parents, and of being bred at Tarsus, where the boys in the street spoke Greek, Latin, Syriac,

and perhaps many other tongues; this being a city alternately under the dominion of the Greeks, the Romans, the kings of Syria, and others. St. Paul had this advantage over other Apostles, setting aside what he might have had by inspiration. Doubtless he reproves the making a parade of these or any other endowments of the body or mind, or the speaking to people in a language, who understood it not. But what has this to do with the making a book, when it cannot be told who will take it up to read it? It may be one who can understand nothing but the Latin part of it; and is it not reasonable that he should have something for his money; the author in the mean time putting off his manufacture by what some readers may consider an ornament, and not a blemish? It is thus that we set down upon a table, meats to suit all palates. There would appear to me to be an error of thinking in the epistle of the manufacturer, which is inconsistent with that acuteness of mind which is evinced by his observations. You can discover not so much a want of judgment, as a force of self-love that precludes the looking at both sides of the subject. I can easily see that he has not a mind as he affects to have; as small as a hole made by his bodkin, not to allow people to set off their wares in their own way.

CHAPTER II.

IF the memoir of the bog-trotter had not advanced the author to a professor's chair; it had, at least, procured him admission to a number of learned societies; abroad and at home. Should a new edition of the work come to be published, it will take up, at least, two quarto pages, to contain the names of these memberships, and honours.

But, notwithstanding the most pressing solicitations, he could not be brought to accept of an introduction to *the St. Tammany society;* owing to the impression which he still retained of being an Indian chief, from which he had a narrow escape in the

early part of this work. For unfortunately, it had been explained to him, that St. Tammany was an Indian Saint; and that the society *met in a wigwam, and exchanged belts.* They offered to make him a Sachem; but all to no purpose; the idea of scalping, and tomhacking, hung still upon his mind. It was by compulsion, in France, that he took upon him the character of an Esquimaux, in the procession of Anacharsis Clootz.

The Captain presented himself to the society, explaining these things; and that in fact, such had been the alarm of the author of the memoir, at the proposition of being made a member, that he had absconded a day or two before. The society took his excuse; and made the Captain an honorary member in his place.

This was no object with the Captain, as he was a candidate for no office; and could draw no advantage from a promiscuous association. Nor did he see that he could be of any use to mankind in this new capacity, as the propagation of the gospel in foreign parts, or amongst the savages, made no part of the duty. For though *Tammany* himself may have been a Saint, there are few of his disciples that can pretend to sanctity, superior to common christians. Or, at least, their piety consists more in contemplation, than in active charity, and practice. We hear of no missionaries from them, amongst the aborigines of the continent, as we should be led to expect from being called the St. Tammany society. For it is to be presumed, that this Saint had been advanced into the calendar from the propagation of the christian faith, as was St. Patrick, St. Andrew, and others. And though, as to these old societies, with that of St. George, St. David, &c. the duty of Evangelists may be excused, the countries to which they belong, being long since christianized; yet the native Americans which St. Tammany represents, are whole nations of them *infidels.* The sons of St. Tammany ought certainly to think a little of their brothers that are yet in blindness, and lend a hand to bring them to light. It is not understood, that even a *talk* has been held with a single nation of our western tribes; though it could have cost but a few blankets, and a keg of rum to bring them together; and in council a little wampum, and kiiikaneeque.

But our modern churches, have not the zeal of the primitive; or that zeal is directed to a different object, *the building up the faith at home;* and that, in civil affairs, more than spiritual doctrines. It is not the time now to go about "in sheepskins, and goatskins," to convert the heathen to the gospel; but the citizens to vote for this or that candidate. The *Cincinnati being a mere secular society*, is excusable; but the *Saint Societies*, would seem in this, to depart from the etymology of their denomination. I know that some remark on the word Cincinnatus; and think that it ought to be pronounced as well as spelled, St. Cinnatus; and in that case all would be on a footing. I have no objection, provided *that it makes no schism;* for even the alteration of a name might make a schism. And a schism in a *society militant*, such as this is, might occasion a war of swords; and not a war of words only. I will acknowledge that I would like to have the thing uniform, *St. Cinnatus*, with the rest. So that if it could be brought about without controversy, it would contribute to the utility of designation. But controversy, is, above all things to be avoided. And nothing is more apt to engender controversy, than small matters, because, small things are more easily lost than great. Or, because it vexes a man more, to find his adversary boggle at a trifling matter of orthodoxy when he has swallowed the great articles of credence, than to have to pull him up, a cable's length, to some broad notion, that separates opinion and belief. To apply it to the matter of the spelling; qui hæret in litera, hæret in *cortice*. That is, to give it in English, it may depend upon a single letter how to draw the *cork*. All consideration therefore ought to be sacrificed to good humour, and conviviality, and I would rather let the *heathen* name remain, than christian it at the expense of harmony, and concord. But to return from this digression, to the St. Tammany Society, of which I was speaking, and which had some time ago convened.

It was a new thing to the Captain, to take a seat in the wigwam, and to smoke the calumet of peace. But he was disappointed in his expectations, of seeing Indian manners, and customs introduced, and made a part of the ceremony. There was some talk of *brightening* the chain, and *burying the hatch-*

ct; but he saw *no war dance*. What is more, even the young warriors were destitute of the dress. There was not a moccasin to be seen on the foot of any of them; not a breechclout; nor had they even the natural; or rather native brands and marks, of a true born Indian. No ear cut in ringlets; no broach in the nose; or tatooing on the breast. All was as smooth, and undisfigured, as the anglo Americans that inhabit our towns, and villages.

The Grand Sachem, made a speech to the Captain, not in Indian; but in German; which answered the end as well; for he did not understand it. But it was interpreted, and related to the proposition of making him a Chief, which he declined, professing that it was more his wish to remain a common Indian, than to be made even a half-king,* not having it in view to remain much in the nation; or attend the council fires a great deal. He contented himself with putting some queries, relative to the history of St. Tammany; of what nation he was? Did he belong to the north, or the South? The East, or the West? On what waters did he make his Camp? How many moons ago did he live? Where did he hunt? Who converted him? or whom did he convert? Why take an Indian for the tutelary saint of the whites? Why not Columbus; or Cabot? Where did this saintship originate!

To these queries, the Chiefs could give no answer; nor is it of much moment whether they could or not. Some of them are not worth answering.

OBSERVATIONS.

AMONG the Romans, there was a kind creature, of the name of Apollo, who stood by people, and when they were doing wrong, would give them a twitch of the ear, to bid them stop.

Aurum velluit.———

I cannot say, that I felt just such a twitch while I was wri-

*A *half-king*, means double king, or king of two nations, who have him split between them.

ting the last chapter; unless figuratively; meaning some little twitch of the mind, recollecting, and reflecting, that it might possibly give offence to public bodies and societies, especially the St. Tammany, and Cincinatti; though *none was intended.* But it is impossible to anticipate in all cases, the sensations of others.—Things will give offence, that were meant to *inform, and assist:* or to please and divert. In the case of public bodies especially, no man knows, what may make an unfavorable impression. It is necssary, or, unavoidable as it might be translated, "that offences come, *but wo to him by whom they come.*" One would think that in a free coutry, there might be some little more moderation with regard to what is done and said. It is a maxim in law, that words are to be construed, "mitior sensu;" or in the milder sense. It is a scriptural definition of charity, "that it is not easily provoked."—Whereas, on the contrary, an uncharitable disposition is ready to misconstrue, & convert to an offence. A town, a society, a public body, of any kind might be presumed to bear more than an individual, because, the offence being divided amongst a greater number; it can be but a little, that will be at the expense of any one person. If therefore, any son of St. Tammany, or St. Cincinnatus, should feel himself hurt by our lucubration, let him consider that it is better to laugh than be angry; and he will save himself, if he begins to laugh first. Though, after all, some will say, there is nothing to laugh at; and in this, they will be right. For at the most, it can only be *a smile.* It is a characteristic of the comedy of Terence; that he never forces your laugh; but to smile only. That I take to be the criterion of a delicate and refined wit; and which was becoming the lepos, or humour of such men, as Lelius and Scipio, who are thought to have formed his taste, and assisted him in his dramatic compositions. Yet I must confess, if I could reach it, I would like the broad laugh; but it is difficult to effect this, and not, at the same time, fall into buffoonery, and low humour. Laughing is certainly favourable to the lungs; and happy the man, whose imagination leads him to risable sensations, rather than to melancholy.

All work, and no play, makes Jack a dull boy. But I have no idea of laughing, any more than of playing, without having

performed the necessary task of duty, or labour. An idle laughing fool, is contemptible and odious; and laughing too much is an extreme which the wise will avoid. Take care not to laugh, when there is nothing to laugh at. I can always know a man's sense, by his song, his story, or his laugh. I will not say his temper, or principles; but certainly his share of understanding. The truth is, this composition has more for its object than merely to amuse, though that is an object. But I doubt whether we shall receive credit for our good intentions. For truth lies in a well; and unless there is some one to draw the bucket, there is no getting it up.

We have been often asked for a key to this work. Every man of sense has the key in his own pocket.—His own feelings; his own experience is the key. It is astonishing, with what avidity, we look for the application of satire which is general, and never had a prototype. But the fact is, that, in this work, the picture is taken from human nature, generally, and has no individual in view. It was never meant as a satire upon men; but upon things. An easy way, to slur sentiments, under the guise of allegory; which could not otherwise make their way to the ears of the curious. Can any man suppose, upon reflection, that if ridicule was intended upon real persons, it would be conveyed in so bungling a manner that people would be at a loss to know who was meant? That is not the way we fix our fool caps,

Let any man put it to himself, and say, would he wish to be of those that give pain by personal allusion, & abuse? Self-love, for a moment, may relish the stricture; but could never endure to be thought the author. In attacking reputation, there are two things to be considered, the manner, and the object. When the object is praise-worthy, there is an openness, a frankness, and manliness of manner, which commands respect. But even where the object is a public good, the manner may excite contempt. Let our editors of news-papers look to this, of them who wish to be considered gentlemen; such as have no character to lose, and never wish to have any, may take all liberties and occupy their own grade.

But as we were saying, public bodies and societies of men, ought not to take offence easily; nor resent violently. "As they are strong, be merciful." A single person is not on a footing with a great number. He can-not withstand the whole, if they should take offence without reason; and he may be conscientiously scrupulous of fighting; or may be afraid to fight; which will answer the end just as well; or he may have the good sense and fortitude, to declare off; which by the bye requires more courage, *than the bulk of men possess.* It requires a courage *above all false opinion;* and the custom will never be put out of countenance, until some brave men set the example.—There is nothing that a wise man need fear, but *dishonor*, founded on the charge of a *want of virtue*; on that *which all men, of all places, and of all times, will acknowledge to be disreputable.* Under this head, will not be found the refusal of a challenge. *Nothing can be great, the contempt of which is great.* Is it not great to despise prejudice, and false opinion? "He that ruleth his spirit, is greater than he that taketh a city:" but, he that is above the false sentiments of others, presents to me the image of a superior power, that ascends through the vapours of the atmosphere and dissipates the fog. The world is indebted to the man that refuses a challenge; *but who can owe any thing to him that accepts it? for he sanctions an unjust law.*—Doubtless, the accepting of a challenge, is pardonable as a *weakness*; but still it is a weakness. The man is a hero, who can withstand unjust opinion. It requires more courage, than to fight duels.—To sustain life, under certain circumstances, calls for more resolution than to *commit suicide.* Yet suicide is not reputable; Brutus in the schools condemned it; but at Philippi, adopted it: Because his courage failed him.

But cudgelling, follows the refusal of a challenge. Not if there is instant notice given to a peace officer. But posting follows. Notice of that may be given also, and a court and jury brought to criticise upon the libel.

Why is it, that a public body is more apt to take offence than an individual? Because, every one becomes of consequence in *proportion as he is careful of the honour of the whole.* It is oftentimes a mere matter of accident, whether the thing is well

or ill taken. If one should happen to call out, *that it is an insult*, another is unwilling to question it, lest he should be suspected of *incivicism*, and lose his standing in society in general; or in that to which he more particularly belongs. The *misconception* of one forces itself upon another; and *misconstruction* prevails. That which was the strongest proof of confidence in the *integrity and justice of the body*, is viewed as distrust; and a concern for their honour, considered a *reproach*. The most respectful language termed *insolence*. Implicit submission attributed to *disrespect*. *Self-denial* overlooked, and *wantoness of insult* substituted in its place. This, all the offspring of *mistake; which it is the duty of the individual to remove*. But how can he speak *if his head is off, before he knows that the offence is taken?* Protesting therefore that I mean no offence to either of these societies, or the individual members, in any thing I have said; I request them to take it in good part; or, if there should seem to be ground of affront, they will give me a hearing, and an opportunity to explain.

There is no anticipating absolutely, and to all extent, what a person might say for himself if he was heard. That presumption which had existed might be removed. His motives might appear laudable; or at the worst, originating in a pardonable weakness. Whether or not the credit of the tribunal with the world, might render it expedient to observe these appearances; they did it in France under the revolutionary government; and even the emperor *seems to consider it as indispensible*. If therefore any thing in these chapters should unfortunately give umbrage to the sons of St. Tammany, or to the Cincinnati members, I pray *a citation*, and *demand a hearing*. I trust I shall be able to convince them that I am not deficient in respect for them individually, or as public bodies.

CHAPTER III.

THE Captain walking by himself, could not avoid reflecting on the nature of government; a union of souls and cor-

poral force. It makes all the difference that we see between the savage, and civilized life. The plough, the pully, the anchor, and the potter's wheel, are the offspring of government; the loom, the anvil, and the press. But how difficult to link man with man; how difficult to preserve a free government; The easiest thing in the world says the clown, *if the sage will only let it alone.* It is the philosopher that ruins all.

There is some foundation for this. A mere philosopher is but a fool, in matters of business. Even in speculation, he sometimes imagines nonsense. Sir Thomas More's Utopia has become a model for no government. Locke's Project was tried in South Carolina. It was found wanting. Imagination and experiment are distinct things. There is such a thing as *practical sense.* Do we not see instances of this every day?—Men who can talk freely, but do nothing. They fail in every thing they attempt. There is too much vision mixed with the fact. Want of information of what has been; the not examining the fitness and congruity of things, leads to this. You see a tradesman framing a machine. A chip less or more spoils the joint.

Where is the best account to be found of the Roman commonwealth? In Polybius. In what did its excellence consist? In its balances. What invented these? The exigencies of the case. Some were adopted in the first instance; others as remedies to the mischiefs that occurred. Were the sages of any use here? A little. Sallust says, "considering the history of the Roman people, that the Gauls were before them in bravery, and the Greeks in eloquence; yet Rome has become the mistress of the world: I have found that it has been owing to a few great men that happened to rise in it." Were these men demagogues? Not in a bad sense of the word. They did not deceive the people for their own ends How do demagogues deceive people? How do you catch a nag? You hold a bridle in your left hand, behind your back; and a hat in your right as if there were something in it, and cry cope. What do demagogues want by deceiving the people? To ride them. What do they pretend they have in the hat? oats, salt, any thing they find a horse likes.

How do you distinguish the demagogue from the patriot?—The demagogue flatters the clown, and finds faults with the sage.—The patriot, and the sage, unless you mean the vain philosopher, mean the same thing. The Jewish prophets were all of them sages. They were seers, or *men that saw far into things.* You will find they were no slouches at blaming the people. "My people, Israel, is destroyed for lack of knowledge." "*I am wounded* in the house of my friends."—*This may be said of liberty, when republicans give it a stab.* The lamentations of Jeremiah are but the weepings of a patriot over the errors of the people. Yet the people are always right, say the demagogues. I doubt that. *Tom fool* may laugh at the expression, "save the people from themselves." Nevertheless, there is something in it. It is a scripture phrase, "go not with a multitude to do evil;" which would seem to imply that the multitude will sometimes do wrong.

Do the multitude invent arts; or some individuals among them? It is sometimes a matter of accident. Sometimes a matter of genius. But it is but one out of a thousand that happens to hit upon it; or that has the invention to contrive. But government is an easy matter; *and has no wheels like a watch.* What is it that enables one man to see farther into things than another in matters of government? What is it that makes him a seer? Thinking, looking, examining. Does it come by inspiration? More by experience. What are the wheels in our government that are like to go first? *The judiciary, the senate, the governor.* Is this the order in which they will go? Precisely. Does any man mean it? Not at all. How can it then happen? In the natural progress of things. Will one house become a tyrant? It will come to be the few; and the few are always tyrants. Will it be but a few in the house, that will govern? It will come to one at last. It will take it fifty years to bring it to this. I do not say that it will be a hop, step, and jump; or a running leap, all at once

But we have the press here. Suppose a leading print in the hands of a patriot. He will keep all right. Yes, provided he is a sage at the same time That is, that his information on the nature of government, is equal to his patriotism; or

that his passion does not betray him into error; the journal of L'Ami du peuple, by Marat, was patriotic; but it ruined the republic. An uninformed inflammatory print, is a corruptress of public opinion. It is the torch that sets Troy on fire. There is no Marat, amongst us, at the head of a Journal; but there may come to be. It is a difficult thing to trim the state vessel. The altering the stowage will put it out of trim. The Hancock was taken by altering the stowage. It destroyed the trim. Yet trimmers are unfavourably spoken of. That is, I presume halting between two opinions. "Why halt ye between two opinions?" But preservers of the balance are not trimmers in this sense of the word.

But how is it that the people can do wrong, when they mean well? An uninformed spirit of reform may prevail. How can passion prevail? The axletree is heated, by the *nave*, and the hob is set on fire. The nave heats itself by its own motion; and fire is communicated to the whole carriage.

CHAPTER IV.

THIS was the day of the fair held twice a year in the village. The people had come in and erected booths. The Captain took a walk to see the fair, and on the first stall he saw boxes. What are these? said the Captain. Cases for lawyers, said the Chapman. What will the lawyers do with these? said the Captain. Put them on their posteriors, said the Chapman. That will make them look like soldiers, with cartouch boxes, said the Captain. No matter for that said the Chapman. A lawyer can no more move without *cases*, than a snail without a shell. They must have *authorities*.

They have too many sometimes, said the Captain, as I have heard the blind lawyer say; but your cases, or cartouch boxes, I presume are meant as a burlesque. Not altogether so, said the Chapman; but a little bordering on it. These boxes might answer the purposes of carying cases, to the court; but an

honest man might put them to a better use: so I say no more but sell my wares to the customer.

At the next stall was Tom the Tinker, with old kettles mended, and new ones for sale. Ay, Tom said the Captain, this is better than resisting the laws;* even the *excise* law.

I have found out a better way than resisting laws, now, said the Tinker.

What is that? said the Captain.

Abolish the courts, and demolish the judges, and the laws will go of themselves.

Ah! Tom, said the Captain, leave the public functionaries, to the public bodies; you have nothing to do with them.

But I should have something to do with them, said the Tinker, if I had a voice in a public body.

But you have not a voice, said the Captain.

But I may have, said the Tinker.

I would rather hear your voice in your shop, said the Captain; and the sound of your hammer on a coffee pot, or a tea kettle. You can patch a brass candle stick, better than the state, yet, I take it, Tom.

Or solder spoons either, said Tom; *but every thing must have a beginning.*

At the next stall was a hard-ware man; in the next, a Potter with his jugs. Anacharsis, according to Diogenes Laertius, invented the anchor, and the potter's weeel. He was a more useful man than him that invented fire-arms; though it is a question with some, whether gunpowder has not rendered war less sanguinary.

A toyman had his stall next. As the Captain was looking at his baubles, an accident happened on the other side of the way. At a short turn, a cart had overset. It was light, and loaded with empty kegs. Nevertheless the driver wanted help to lift it up.

The Chapman, the Toyman, the Potter, the Hard-ware man, and Tom the Tinker were endeavouring to assist. The Tinker and the Hard-ware man, had set their shoulders to the cart.—They hove it up; but by too violent a push threw it to the other side. The Chapman, and Toyman, thought to set the

* The chief of the insurrection, in the western parts of Pennsylvania, in the year 1794, called himself, *Tom the Tinker.*

matter right, and in the adverse direction, applied their force, being on the other side the cart; and to do them justice, gave a good hoist; but overdid the matter as much as was done before; for the cart came back and lay prostrate in the same direction, as at first.

The driver, in the mean time, was dissatisfied. Gentlemen, said he, do you mean to assist or to ruin me? It may be sport to you, but it is a loss to me, to have my cart broke and my kegs staved. It is all wrong, said the Captain. Why not let the thing stand upon *the horizontal?* None of your tricks upon travellers. Let the poor man's cart have fair play, and stand upon *its own bottom.*

Aye, aye, said a misanthrope; this comes of bad doings.—You must be going to the woods and disturbing innocent forests; cutting down young trees; making staves, and hooping kegs. This is just the way they make laws; to hoop people as you would a barrel. It is right to overturn the cart, on account of the manufacture it carries.

Ah! it is in this manner, said *a moral-drawing man;* that people overturn the state. If the vehicle goes to the one side, it is the act of a patriot to set it right. But unskilful persons, pass the line of gravity; so that as much mischief arises, from too much force as too little. Passing the line of gravitation, in erecting a body, is like *wounding a principle of the Constitution.* All errors of *expediency* may be amended; but the violations of *principle* are vital, and terminate in death.

Put that fellow in the pulpit, and he could preach, said a bye-stander; do you hear what a sermon he makes upon a cart? He could take a text; Nebuchadnezzar, or Zerubabel; and lenghten out a discourse for a fortnight.

In the mean time, the Captain was almost carried off his feet by a crowd of people going to see the learned pig. Has he the *tongues*, said Angus Sutherland, a Scotchman? He has two, said a wag. The Hebrew and the Erse, I trow, said the Scotchman. No; the *squeel, and the gruntle*, I ween, said the drolling person. That is his *vernacular*, said the Scotchman; but I mean his acquired languages. I do not know that he has ac-

quired any, said the drolling man; but he is considerably perfected in those that he had before.

Weel, that is something, said Angus; but he has got a smack o' the mathematics, I suppose. A little of algebra said the wag; the plus, and minus, he understands pretty well.

The conversation was interrupted by the vociferation of a man, in soliloquy at a distance. He appeared to be in great agitation: clinching his fists, and striking them against each other. An abominable slander, said he; I a scholar! I a learned man! it is a falsehood. See me reading! He never saw me read. I do not know a B from a bull's foot. But this is the way to injure a man in his election. They report of me that I am a scholar! It is a malicious fabrication. I can prove it false. It is a groundless insinuation. What a wicked world is this in which we live. I a scholar! I am a son of a whore, if I ever opened a book in my life. O! the calumny; the malice of the report. All to destroy my election.

Were you not seen carrying books said a neighbour.

Aye, said the distressed man; two books that a student had borrowed from a clergyman. But did I look into them? Did any man see me open the books? I will be sworn upon the evangelists: I will take my Bible oath, I never looked into them — I am innocent of letters as the child unborn. I am an illiterate man, God be praised, and free from the sin of learning, or any wicked art, as I hope to be saved; but here a report is raised up, that I have dealings in books that I can read. O! the wickedness of this world! Is there no protection from slander and bad report? God help me! Here I am, *an honest republican; a good citizen*, and yet it is reported of me that I read books. O! the tongues of men! Who can stop reproach? I am ruined; I am undone; I shall lose my election; and the good-will of all my neighbours, and the confidence of posterity. It is a dreadful thing that all the discretion of a man, cannot save him from evil-speaking, and defamation.

It is a strange contrast, thought the Captain, that *we admire learning in a pig; and undervalue it in a man.* The time was when learning would save a man's neck; but now it endangers it. The neck verse, is reversed, that is, the effect of it. For

the man that can read goes to the wall ; not him that is ignorant. But such are the revolutions of opinion.

Of all things in the world, said a speculative philosopher, I should the least expect science in a pig ; though the swinish multitude are not without good moral qualities ; or the semblance of these, by propensitive instinct. The herd of deer avoid, or beat off the chased, or wounded companion : but attack a hog in a gang, and the bristles of all are up, to make battle. There is an esprit de corps ; or a principle of self-preservation. They do not wait until they are taken off one by one ; but make a common cause in the first instance. When the twenty-one deputies in the national assembly of France, were denounced, there were, no doubt, a great number that saw the *injustice* ; but not the conseqence. They were willing that the bolt should pass by themselves, and were silent. But those that followed, soon felt the case to be their own, though they did not make it so at first. The hogs have more sense or nature is more faithful than reason. A sailor on board a ship may not like his comrades ; but if they are charged with mutiny wrongfully, he is interested, and will see to it if he is wise. It concerns him that they be dealt with fairly, for injustice to them leads to injustice to himself. A third mate may dislike the first, or second, or the captain himself, and have no objection to change them ; but the mistake, or injustice of owners towards these affects himself. If one goes at this turn, another may go at the next ; until all fall to unjust accusation. If the independence, and safety of command is affected, all officers suffer, and the service is injured. The picking off one at a time is politic in those that assail, but fatal to those that are assailed. Polyphemus devoured but one of the soldiers of Ulysses in a day. So that it does not follow, that hog likes hog, more than sheep likes sheep ; or that bristle is champion for bristle when he comes to take his part ; but that, the law of self-preservation, is better understood, or felt by this animal. But as to teaching a pig any thing like human knowledge, though not a new thing, would seem to be of little use. Crows were taught to speak in the time of Augustus Cæsar as we find from the

story of the cobler and his crow. The poet Virgil talks of cattle speaking :

——Pecudesque locutæ.

But this was a prodigy. Learning must go somewhere, as a river that sinks in one place rises in another. If erudition is lost with men, it is well to find it with pigs. The *extraordinaries* are always pleasing. The intermediate grades of eloquence, from a Curran to a parrot, are not worth marking,

A little learning is a dangerous thing,
Drink deep, or taste not the Pierian spring.

If a man cannot be a Polyglotist, he may as well be a goose. It was at a time things took this turn that Balaam's ass spoke. There was darkness all over Europe, for six or ten centuries, and little knowledge of the scientific kind to be found with man, fish, fowl or beast. A glare of light sprung up, and has prevailed awhile. Men of science have been in repute in monarchies ; and in some republics : or at least science itself has had some quarter. But it is now scouted, and run down. The mild shade of the evening, the crepusculum approaches. A twilight, that the weakest eye can sustain. The bats will be out now. The owl can see as well as the cat. *If there is less light, there is more equality of vision ;* which may be for the best.

That fellow could preach too, said a by-stander ; and give him a text. What a speech he has made *upon a shoat !*

But looking up, they saw a man actually preaching ; or something like it, in a tavern door, with a newspaper in his hand. It was upon the subject of *economies*. For now all is *economy*. Not making ; but *saving*. This discourse was a lecture on the subtraction of aliment, and the making water go farther by boiling it. Saving the scales of fish ; and the stem beaten out of flax ; curtailing wages, and doing less work ; all things by the minimum : he would have all Microscopes ; no Telescopes Minutiæ, Minutiæ, Minutiæ ; nothing great, comprehensive, or magnificent in his projects. Themistocles knew how to make a great state, out of a small commonwealth. But was it by saving, or by gaining that he did it ? Was the sweep-

of his mind contracted; or extensive? Had the Czar of Muscovy a great heart? Did he reduce mountains by particles; or employ his mind upon hen-coops? These were questions the *economist* answered in the affirmative. But some doubted the orthodoxy of the doctrine, and left the congregation.

In a public house, was heard the music of a fiddle, and a bagpipe. It was Duncan, the quondam waiter of the Captain, who had made a match of the bag-pipe against the violin. Play up, said Duncan to the piper; now "*the Coming o' the Camrons*;" now *the Reels o' Bogie*. Play up; I could dance amaist involuntarily; as I were bit by the tarantula.

The Latin master was of the company; and encouraged the contest, by the application of classic phrases; such as,

Et vitula tu dignus, et hic———

———Boni quoniam convenimus ambo.

Tale tuum carmen, divine poeta.———

But more noise; though perhaps, less music, was heard out of doors, coming down the street. A crowd of people; boys and grown persons, were following O'Dell the revolutionist. For Ca Ira, or the Marseilles hymn he bawl'd out the following———

Down with the sessions, and down with the laws;
They put me in mind of the school-master's taws.
There's nothing in nature that gives such disgust,
As force and compulsion to make a man just.
Hillelu; Billelu, set me down aisy.
Hillelu; Billelu, &c.

A lawyer's a liar; old sooty his father;
He talks all day long a mere jack-a-blather.
His books, and his papers, may all go to hell,
And make speeches there, sings Lary O'Dell.
Hillelu, &c.

The state is a vessel, and hoop'd like a tub,
And the adze of the cooper goes dub a dub.
But hooping and coopering, is fitting for fools;
Away wid all leraning and shut up the schools.
Hillelu, &c.

A horse eats the less when you cut off his tail;
And chickens hatch faster the thinner the shell,
A clerk in an office might do two things in one,
Hatch eggs while he sits, and writes all alone.
Hillelu, &c.

The song may be good as to music, said the Captain; but I do not like the sentiments: especially the concluding couplet. It seems to me, that economy has become *parsimony*; the opposite extreme of prodigality; or extravagance. The one is odious; the other contemptible. All tax; or no tax. There is no medium. But *no tax, and economy* will as certainly destroy an administration, as all tax, and extravagance. The meanness of starving officers; establishments; improvements, will attach disreputation to the agents; and operate a removal from the body politic; or the debilitation of the body politic itself. But in all things there is a tendency to extremes. The popular mind does not easily arrest itself when descending upon an inclined plain of opinion. Popular ballads are an index of the public mind. Hence we see that an antipathy to laws, lawyers, and judges, is the ton at present, and also that economy is the ruling passion of the time. Yet in all these things, there may be an excess. *For the people are not always right.* Unless in the sense of the English law, that "The King can do no wrong." Doubtless whatever the people do is legally right; but yet not always politically right. For do we not find from the voice of history, that those men are thought to have deserved best of their country, who have occasionally withstood the intemperance of opinion, Self-seekers only, "are all things to all men." Three things are necessary to constitute a great man. Judgment, fortitude, and self-denial. It is a great thing to judge wisely. Perhaps this may be said to comprehend the whole. For judging wisely upon a large scale, will embrace fortitude, and self-denial. Hence, in the Scripture phrase, bad men are called *fools*. It is but cutting down the fruit tree, to hark in with the popular cry for the moment. All is gained for the present; but there is nothing for the next year. Such a man may get into a public body, but will not long retain his seat; or if he does, he loses all, in the esteem of the virtuous, and the

wise. But I doubt whether the people are so mad for economy. It originates with those who are conscious to themselves that they cannot please them by great actions; and therefore attempt it by small. The extreme has been of unnecessary expenditure: and it is popular to call out economy; which the people-pleaser gets into his mouth and makes the shibboleth of just politics. But the people-pleaser is not always the friend of the people. Do we find him in war the best general who consults the ardour of his troops, wholly, and fights when they cry out for battle? Pompey yielded to such an outcry and lost the field of Pharsalia. A journal was published in France, by Marat, under the direction, or, with the assistance of Robespierre, entitled "*L'ami du peuple.*" There could not be a more seducing title; and yet this very journal was the *foe of the people*. I have no doubt but Marat meant well to the people; but he had not an understanding above the public, and judgment to correct the errors of occasional opinion. He was of the multitude himself, and did not overtop them by having higher ground from whence to observe. He had not been a sage before he became a journalist. Hence he denounced the Girondists, the philosophers of the republic; Condorcet, and others who had laid the foundation of the revolution. He denounced them because they suggested a confederate republic, such as Montesquiue projected, and America has realized. Marat took up with the simple, *the one and indivisible*; the populace understood this, but not the complication, and it prevailed; but the republic went down.

OBSERVATIONS.

I NEVER had a doubt with the Captain, but that the bulk of the jacobins in France meant well; even Marat and Robespierre considered themselves as denouncing, and trucidating only the enemies of the republic. What a delightful trait of virtue discovers itself in the behaviour of Peregrine, the brother of Robespierre, and proves that he thought his brother innocent.

"*I am innocent; and my brother is as innocent as I am.*"—Doubtless they were both innocent. Innocent of what? Why, of meaning ill. "The time shall come when they that kill you, shall think they are doing God a service." Peregrine led the column with his drawn sword in his hand, that entered and retook Toulon. He threw himself into the denunciation. This ought to be a lesson to all republicans to have charity, for those that differ in opinion. Tiberius, and Caius Gracchus at Rome meant well; Agis, and Cleomenes at Sparta the same; but they attempted a reform, well, in vision, and imagination, but beyond what was practicable or expedient. They fell victims to the not distinguishing the times; the advanced state of society, which did not comport *with the original simplicity of institutions.*

Marat the journalist and Robespierre were pushed gradually to blood; by the principle, which governed them, of taking it for granted that all who thought differently upon a subject were traitors; and that *a majority of votes was the criterion of being right.* The *mountain* the bulk of the national assembly could not but be in their opinion, infallible. *The eternal mountain* at whose foot every one was disposed to place himself; the mountain on whose top were "thunders and lightnings, and a thick cloud; but not a natural mountain of the earth, collecting refreshing showers, and from which descended streams. It was a mountain pregnant with subterranean fire. It burst and exists a volcano to this day. *So much for the majority of a public body, being always right; and so much for a journalist meaning well, and yet destroying the republic.* It is a truth in nature and a maxim in philosophy "that from whence our greatest good springs, our greatest evils arise." A journalist of spirit is a desideratum in a revolution. But when the new island or continent is thrown up from the bottom of the ocean; and the subterranean gas dissipated, why seek for a convulsion? but rather leave nature to renew herself with forests, and rivers, and perennial springs. But that activity which was useful in the first effort, is unwilling to be checked in the further employment; and under the idea of a *progressing reform*, turns upon the establishment which it has produced, and intending good does harm. The men are denounced that mean as well

as the journalist, and perhaps understand the game better than himself, though they differ in judgment on the move. In a revolution every man thinks he has done all. He knows only, or chiefly, what he has done himself. Hence he is intolerant of the opinions of others, because he is ignorant of the services which are a proof of patriotism; and of the interest which is a pledge of fidelity. Fresh hands especially are apt to overdo the matter, as I have seen at the building of a cabin in the western country. A strong man takes hold of the end of a log, and he lifts faster than the other. From the unskilfulness and inequality of his exertions, accidents happen. Prudent people do not like rash hands. States have been best built up, by the wise as well as the honest.

There are men that we dislike, in office. All men approved Marius, says the historian Sallust, when he began to proscribe, now and then, a bad man; but they did not foresee what soon happened, that he did not stop short but went on to proscribe the good. It is better to bear an individual mischief, than a public inconvenience. This is a maxim of the common law.—That is, it is better to endure an evil in a particular case, than to violate a general principle. There ought to be constitutional ground, and a just cause to remove the obnoxious. It will not do even in Ireland, to hang a man for stealing cloth, *because he is a bad weaver.*

Where parties exist in a republic, that party will predominate eventually which pursues justice. A democratic party, will find its only security in this. "If these things are done in the green tree, what shall be done in the dry." If democracy is not just, what shall we expect from aristocracy, where the pride of purse, and pride of family raises the head; swells the port; produces the strut, and all the undervaluing which the few have for the many? Aristocracy, which claims by hereditary right, the honours and emoluments of the commonwealth.—Who does not dislike the presumption of the purse proud, and the pride of connections? And it is for that reason that I wish my fellow democrats, "my brethren according to the flesh," to do right; to shew their majesty, the nobility of their nature, by their discrimination, and their sense of justice. For I am a

democrat, *if having no cousin and no funds; and only to rely on my personal services, can make me one.* And I believe this is a pretty good pledge for democracy in any man. Unless indeed, he should become a tool to those that have cousins and funds; and this he will not do if he has *pride*. He might be made a despot, but this can only be by the peoples' destroying the essence of liberty, by pushing it to licentiousness. A despot is a spectre which rises chiefly from the marsh of *licentiousness*.—*It was the jacobins made Bonaparte what he now is.*

CHAPTER VI.

A CAVALCADE was coming by, and upon enquiry it was found to be a crowd of people with a lawyer gagged. The knob in his mouth was rather long; and the poor man seemed to be in pain, by the extension of his jaws. He could not speak, which was a great *privation*, it being his daily employment, and the labour of his vocation. For the people thought he spoke too much, or at least was tedious in his speeches, and took up the time of the court, and juries, unnecessarily. But this was a new way of correcting amplification in an orator.—It is true that things strike more than words, and the soldier in a Roman assembly, who held up the stump of his arm, lost in battle, pleaded more effectually, for his brother, the accused, than all the powers of eloquence. But it is a wicked thing, and entirely a la mob, to stretch the jaws so immeasureably. But the people will have their way; when they get a thing into their heads, there is no stopping them; especially on a fair day, such as this was. It is true the thing was illegal, and he could have his action, but they took their chance of that.

The fact is, the tediousness of lawyers, in their harangues is beyond bearing, and is enough to drive the people *to adjustment bills*, and any thing, to get quit of them. The opener of a cause must lead you into the whole transaction, instead of leaving it

to the evidence to do it. He must give you a view of the whole scope of his cause. This might be in a few words. But he wants to make a speech; a strong impression at the first. He must tell you how he means to draw up his evidence; *how to fight his men*. I should not like my adversary to know this; I would not tell the court, lest he should hear it. What would we think of a general who should mount the rostrum in the presence of the enemy, and explain the order of his battle? I love the art of managing a cause for its own sake, and I like to see it *scientifically won*. The less speaking, almost always, the better for a cause. There is such a thing as "darkening counsel by words without knowledge." *Atticism is favourable to perception in the hearer*. We do not carry wheat to be ground before it is sifted of the chaff. Yet there may be an error on the other side. The declination to brevity may be too great. I am afraid to say much on this head, lest I should be understood to undervalue eloquence, and check it altogether. But certain it is, that the excess is on side of quantity, in speaking at the bar at present. The juries feel it, and twist and turn themselves into all shapes to avoid it. The courts feel it, and on many occasions groan for deliverance.

What necessity on a point of law to read all cases, that have relation to the subject? To give a lecture on the elementary principle, and adduce cases, from the first decision to the last. It has been in vogue with the clergy, to begin with Genesis and end with Revelations; to prove their doctrine as they go along by an enchainment of texts; and to say the same thing over again in many words, But in demonstrating the forty-seventh proposition of the book of Euclid, we do not lay down every postulate, and axiom; nor do we go through the demonstration of every preceding problem, on which this is built; but we refer to such of them as enter into that which is before us. The demonstrations of Euclid are brief; and that constitutes their excellence. Adventum festinat. Here is no detour; or winding that does not accelerate, and force the conclusion.

In the mean time, the blind lawyer being at hand, delivering a lecture, had heard of the tribulation of his brother, the gagged lawyer; and for the honour of the profession, stretch-

ing out his hands to the people, had obtained his enlargement, and the removal of the pig. But it was said, this would be a warning to the advocate, to shorten his speeches for the future. The branks which had been upon his head; that is, the woody's which had tied the knob, were laid aside for another occasion.

CHAPTER VII.

It was a legal proceeding, in this village, that when any one was suspected of insanity, a commission of lunacy issued, and an enquiry was held to ascertain the fact. An inquisition was holden at this time on the body of a man, and it was the right of the defendant, when the evidence on the part of the commonwealth was closed, to be heard in his defence. On this occasion the accused person made use of his privilege.

THE MADMAN'S DEFENCE.

Fellow Citizens.

It is an awkward situation in which you see me placed, to be obliged to maintain that I am in my *right mind*, and not out of my senses. For even if I speak sense, you may attribute it to *a lucid interval*. It is not a difficult matter, to fix any imputation upon a man. It is only to follow it up "Line upon line; precept upon precept; here a little and there a little." There is nothing but a man's own life, and a course of conduct, that can rebut the calumny. It is therefore in vain, to answer in gazettes, or to go out into the streets and call out *falsehood*. The more pains you take to defend yourself, the more it is fixed upon you. For the bulk of mankind are on the side of the calumniator, and would rather have a thing true than false. I believe there would be no better way, than for a man to join in, and slander himself, until the weight of obloquy, became so great, that the public would revolt, and from believing all, believe nothing. I have known this tried with success. But how can

one rebut the imputation of madness? How disprove insanity? The highest excellence of understanding, and madness, like the two ends of a right line, turned to a circle, are said to come together.

Nullum magnum ingenium sine mensura dementiæ.

Great wits to madness sure are near allied;
And thin partitions do their bounds divide.

Hence you will infer that I may appear rational, and quick of perception, and even just in judgment for a time, and yet be of a deranged intellect. What can I tell you but that it is the malice of my enemies, that have devised this reproach, in order to hinder my advancement in state affairs? It is true there are some things in my habit, and manner that may have given colour to the charge—singularities. But a man of study, and abstract thought, will have *singularities*. Henry Fielding's Parson Adams; and Doctor Orkborn in Mrs. D'Arbray's Camilla, are examples of this. A man of books will be abstract, or absent in conversation; sometimes in business.

A man of books, said the Foreman of the Jury! a scholar! Ah! You are a scholar, are you. Ah, ha; that is enough; we want no more. If you are not a madman, you must be a *knave*, and that comes to the same thing. Say, gentlemen shall we find him guilty? What say you, is he mad?

1. Juryman; he seems to be a *little cracked*.
2. He does not appear to be *right in his head*.
3. I cannot think him in his *right mind*.
4. He is *beside himself*.
5. Crazy.
6. Out of his reason.
7. Deranged.
8. Insane.
9. Mad.
10. Stark mad.
11. As mad as a March hare.
12. Fit for Bedlam.

Verdict—*Lunacy*.

The court to whom the inquisition was returned, thought it a hard case, as there was no other evidence than his own confession of being *addicted to books*, and gave leave to move an arrest of judgment; and ordered him before themselves for examination.

You are a man of books——

A little so.

What books have you read?

History, divinity.

What is the characteristic of history?

Fiction

Of Novels?

Truth.

Of metaphysics?

Imagination.

Of natural philosophy?

Doubt.

What is the best lesson in moral philosophy?

To *expect no gratitude.*

What is the best qualification of a politician?

Honesty.

The next best?

Knowledge.

The next best?

Fortitude.

Who serves the people best?

Not always him *that pleases them most.*

It seems to the Court, said the Chief Justice, that the man is not altogether mad. He appears rational in some of his answers. We shall *advise upon it.*

The *madman* being out upon bail, walked about seemingly disconsolate; and fell in with a philanthropic person, who endeavoured to console him. You may think yourself fortunate, said he, that the charge had not been that you *were dead.* You might have been tumbled into a coffin, and buried before you were aware. When a public clamour is once raised, there is no resisting it. People will have the thing to be so, lest there should be no news. For the stagnation of *intelligence* is equal

to the want of breath. I will venture to say that in three days, were I to undertake it, I could have it believed that the soul had gone out of your body, and that you were a walking mummy. It is only to insist upon it, and spread it, and a part will be credited at first, and finally the whole. Thank fortune that you are upon your feet upon the earth. You are not the first that have been buried alive. On opening a coffin, the corpse has been found turned upon its face. In a tomb it has been found out of the coffin, and laying where it had wandered, thinking to get out.

Good heavens! said the madman, this is enough to turn one's brain indeed. I begin to feel my head swimming Is it possible that without the least foundation, such a proposition should come to be believed?

Believed! ay; and people would be found to swear to it. You have no conception from how small beginnings great things arise.

Ingrediturque solo, & caput inter nubila condit.

You have seen a *wood pecker*. It is astonishing how large a hole it makes with so small a beak. *It is owing to successive impressions*. Since common fame has begun with you, it has taken that turn; and made you *only mad*.

If that is the case, said the *man of books*, I ought to be reconciled. It might have been worse.

OBSERVATIONS.

THERE has certainly been a great deal of *vain learning* in the world; and good natural sense has been undervalued. "Too much learning may make a man mad." It may give him a pride and vanity that unfits for the transaction of serious affairs. I would rather have a sober sedate man of common sense in public councils, than a visionary sciolist just from the academies. But solid science is ornamental, as well as useful in a

government. Literary acquirements may be undervalued. A man may not be a *scholar* himself; but he may have a son that may.

"The child may rue that is unborn,"

A check given to the love of letters. *The offspring of a plain farmer may be a philosopher; a lawyer, a judge.* Let not the simplest man therefore set light by *literary studies.* The bulk of our youths are sufficiently disposed to indolence themselves. It requires all the incitement of honours and emoluments *to trim the midnight lamp.* The rivalship of the states ought to be in their public foundations; in producing men of letters. Popular distrusts of them ought not to be promoted. The coxcomb; the macaroni, springs up in the cities: The illiterate in the country village. Legal knowledge, and political learning, are the stamina of the constitution The preservation of the constitution *is the stability of the state.*

Political studies ought to be the great object with the generous youth of the republic; not for the sake of place or profit; but for the sake of judging right, and preserving the constitution inviolate. Plutarch's lives is an admirable book for this purpose. I should like to see an edition of 10,000 volumes bought up in every state. Plutarch was a lover of virtue, and his reflections are favourable to all that is great and good amongst men.

CHAPTER VIII.

IT may seem strange that in the present current of prejudice against learning, and learned men, the school-master had not been taken up, that spoke *Latin.* The fact was, the people did not know that it was Latin. Some took it for one language, and some for another. Thus, when he accosted persons in the street, with his puzzling phrases to translate, either on account of the peculiarity of the idiom, or the elipsis of the sentence, answers were given correspondent to the mistake. Thus

Nil admirari———
I do not understand Spanish.
Simplex munditiis———
I never learned Welsh.
Ambiguoque vultu———
It is Greek to me.
Lacrimæ rerum———
I do not understand Dutch.
Mea Valentiam, si quis———
I have never been among the Indians.
———Esse sua
Parati———
Potatoes are very good.

As for the blind lawyer, humanity interposed on his behalf. There is a generosity in the public mind that leads them to pass by the unfortunate. The sovereign people, like other sovereigns do not make war upon *bats*. His lectures were short, and did not cost much. The loss of money leaves a bite behind it worse than the sting of the wasp. It is this that excites a prejudice against lawyers; and yet people are, themselves, to blame. It is their own self-love, and unwillingness to think themselves in the wrong, that leads to law. Covetousness, deceives.

O, si angulus ille, mihi foret——

I must have that nook of woods, that runs out there. It will make a calf pasture.

I admit that *bar oratory* is carried to excess, and there is too much of it occasionally; it is valued by the quantity, more than the quality. But there is a great deal of excellent oratory to be found at the bar. There are stamina, though retrenchments might be made.

——Cum luculentus flueret,
Erat quod tollere posses.

The great defect is, the making many points; the cat that had but one way to escape, stood as good a chance, as the fox that had a thousand. Seize the turning point of the cause; if it can be done, and canvass that. The stroke of the eye, or d'oup d' oeil, which characterizes the great general, is the being

able to see, at once, the commanding point of the field : to abandon the out-posts, and concentrate his forces. Why need a man be taking time to shew, in how many ways, he can kill a squirrel ? If he can take him down with a rifle ball at once, it is enough.

Oratory has no where a finer province, than at the bar. In a deliberative assembly there is no such scope. Questions of finance have nothing to do with the heart. No man can be an orator at the bar, that has not a burning love of justice. For it is this gives the soul of oratory. An advocate thinking merely of the fee can be no orator. The soul must be expanded by the love of virtue.

In a deliberative assembly, it is difficult to be honest. *Party will not suffer it.* At the bar a man may be honest. For, in a cause he is not supposed to speak his own sentiments, but to present his side of the argument ; and with truth in his statements. The attempting to hold what is not *tenable*, is a mark of *weakness*. Why then a prejudice against lawyers ? I exclude attornies that are mere *money gatherers ;* or professional men, that screw the needy, and grind the faces of the poor. Such there will always be. *But nature presents nothing without an allay of evil.*

As to the blind fiddler, if it should be asked, why he was not accounted mad, it was because he was not *denounced*. There is a great deal in calling out *mad dog*. Besides, the insignificance of the scraper, protected him in the republic. He was so busy scraping, that he never *meddled with politics*, and this was a great help. And as he played every tune to every one that asked, having no predilection for Langolee, above Etric Banks, he gave no offence.

——Nunquam contra torrentem, brachia,
Direxit, sic octaginta annos vidit in aula.

A CATTLE driver had come from the *western settlements*, to exchange at the fair, stock, for salt, iron, and *women*. In barter for the last article, a cow was given for a girl. The settler went out, in the first instance, with a rifle, a hatchet and a

knapsack. Having fixed on a spot at a spring head, the next thing was to fall saplins and construct a hut. A small piece of ground was then cleared of the un-derwood, and this formed into a brush fence to inclose it. He returned then to the interior of the country, ane the next summer, going out with a hoe, and a stock of provisions, on a pack-horse, he began his cultivation. Having tamed a buffaloe, or got a cow from Padan Aram, he had in due time, milk in abundance. This put it into his head to get a *milk maid ;* in other words *a wife.* The traders in this article, usually chose those of the *less opulent,* whose dress answered all the ends of fashion without the affectation. The *elbows were bare,* because the sleeves did not reach ; and the folding doors of the bosom were undrawn, because they had been always open. There was no occasion for flesh coloured pantaloons ; for the pantaloons were the natural flesh itself, discovered through the rents of the muslin, by the waving of the wind, like a light cloud upon a bed of air, in April day,

When these virgins, "nothing loath," had been conducted to the bowers mantled with the natural vine, an offspring arose in a few years, such as that from whence the poets have drawn their best fictions. You will have no occasion to read Ovid's Metamorphosis, to have an image of Daphne, or Proserpine ; Diana and her nymphs ; the Dryads, Hamadryads, or other personages. Just cross over into these new forests and there you have them in reality: maids bathing their snowy limbs in transparent streams ; climbing the mountain top, collecting flowers, or gathering the berries of the wood. Nature is here in her bloom ; no decay or decrepitude. All fragrancy, health and vivacity.

The stripling of these woods, is distinguished from the city beau ; but it will not become me to say who has the advantage : whether the attitude of the presented rifle ; or that of the segar in the teeth, is the most manly ? Which looks best, the hunting shirt open at the neck, or the roll of muslin that covers it, and swells upon the chin ? These are things to be canvassed by the curious. I am of opinion, however, that it is better to be clear sighted than purblind, and to be able to see a deer in a thicket

than to have need of a glass, before the nose to direct the steps where there is nothing to stumble over.

It can be no slur upon the descendant of a western settler, that his mother was obtained in barter, with her hair descending to her girdle; or waving in ringlets on her shoulders; and the moisture of her eye brightened with a tear at the emigration; when he considers, that, in all places, matrimony, to use the pun of Bishop Latimer, has been, in a great degree, *a matter of money;* and the consideration of the contract not always what the lawyers call *a good consideration*, that is, affection: but a valuable one, *wealth*. Even if the circumstance should be considered as less honourable than *a marriage settlement with forms*, and perfect equality, in the transaction; it will be forgotten in a century or two, and it may come to be doubted *whether there was ever such a thing as barter at all.*

CHAPTER IX.

A NOISE of a different kind was now heard in another quarter. It was occasioned by a brick-bat which had fallen from the heavens, or the top of a chimney; or been thrown by some one, which is just as likely, and hit the stall of an honest Frenchman, who sold hair-powder. He construed it an insult, and insisted upon knowing, what no one could inform of; or if they could, was not disposed to do it; that is, whence it came? Diable! diable! said he in a rage. Si j' etois, d' en la France; If I vere in my own contree—Le miserable police. Dish contree has une ver bad police.

A l' en enfer—Foutre, Foutre, Foutre!

Parce que je suis un jacobin. I be de jacobin. Dish ish de enrage. Vill kill all de honest republican.

Ah! Messieurs aristocrats; c' est que vous voulez me tuer —C' est une terrible conspiration. It ish van terrible conspiracy.

Civility to a foreigner induced the multitude to interpose, and endeavour to pacify. But strangers are jealous, and it was an hour before he could be persuaded by some that spoke the language, to believe that the thing might have been a matter of accident. He had threatened to make a representation to the government, and demand the interposition of the executive.

There is reason to think that he had dropped it; as we have seen no diplomatic correspondence on the subject.

A seller of patent medicines gave out that he had bought them from a chemist who had *invented a new vegetable*. Discovered, you mean, said a *naturalist*. No; *Invented*, said the patent doctor. He made it himself. I have some of the seeds in my pocket. Out of what did he make it? Hydrogen; oxygen; carbonic acid, and muriate of soda.

It is beyond my comprehension: what does the seed look like? said the naturalist. Coriander seed; or mustard, said the doctor. Here is a sample of it, giving him a grain or two.

And is it out of this you make your drops? said the naturalist. Certainly, said the doctor.

And a new seed will produce new drops, said the naturalist; and perform new cures in the world.

Undoubtedly, said the doctor: what use could there be in inventing it, if it did not?

I wish he would invent a *new planet*, said the naturalist.

That he could do readily enough, said the doctor; but there are more than are good already. They shed *malign influences*.

Aye, quo' the Scotchman; there is such a thing as "*evil stars*."

A COMPANY of village players were acting a pantomime. Harlequin represented a politician with the people on his back. Incurvated and groaning, he seemed to feel the pressure exceedingly.

I like burlesque very well, said a spectator. A man must imagine himself Atlas, forsooth, *with the heavens on his shoulders!* The people would walk on their feet if he would let them alone. What matters it, if by attempting to sustain them he gets his rump broke?

That is all the thanks a patriot over got, said a wise man.

Are not the people strong enough of themselves? said the spectator.

Strength of mind is improveable, said the wise man. Hence strength of mind differs more than strength of body. The aggregate of mind is one thing, and a distinguished mind another. It is not so absurd, to suppose that one mind, in a particular case, may excel another. The social compact is a noble study. He who has devoted himself to it, may be supposed to have made some progress. Why should he not have credit for his good intentions? Why make him the object of a public exhibition, because he thinks himself the support of the community? Public spirit ought to be supported, and hints well meant, *well taken.* It is but an innocent hypocondriasis for a man to apprehend that he is doing good, by his lucubrations. That he is a pillar of the commonwealth.

See how he grins, and balances, said the spectator, speaking of the Harlequin, *because the people, in his opinion, are too much to the one side.*

It is an easy thing to turn even virtue into ridicule, said the wise man. But selfishness was never an amiable quality. And can there be a nobler effort of benevolence than to seek the public good? If one individual misses it; another hits; and the principle is salutary. It is not him that sails with the wind of popular opinion that always consults the interests of the populace. At the same time, *I am for keeping up the spirit of the people. It is the atmosphere of liberty.* And though this atmosphere *is the region of lightning and engenders storms, yet in it we*

breathe, and have our being. But I speak of the angel that guides the hurricane; the good man of more temperate counsels; and who, from age, experience, or extent of thought sees the consequence of things, and applies the prudence of restraint to the common mind in the violence of its emotions.

Why shall we censure such a man should he indulge the ambition of restraining the people; or rather of supporting them by counseling moderation. *He is sometimes the best friend that reproves.* A flatterer never was a friend. The caricature of a man having the people on his back, is an aristocratic fetch to discourage a love for the people, and a disposition to promote their real interest. This Harlequin is set on by the enemies of the people, and with a view to disparage republican exertions.

The spectator was silent.

While the Harlequin was acting *The Oppressed Politician*, as the pantomime was called, a pedlar had thrown himself into nearly a similar position; and though it may appear strange, an accidental conjunction of attitude. He had got his stall on his back; and gave out that he had taken an oath, not to set it down, until the people at the fair, had bought off all his goods. He was on his hands, and feet, and bellowing like the bull of Phalaris, affecting to be overcome, with the load of his pack. The people, out of humanity, credulous to his distress, came from every quarter to hear his complaint, and ease him of his goods. A partner was handing out the merchandize, and disposing to the customer, as fast as he could come at the articles. The back-bent man, in the mean time, in his inclined posture, was gathering up the dollars, thrown upon the ground, and putting them into his hat; not ommitting the groans necessary to attract a continuance of commisseration.

Christian people, said he, ease me of my wares, or I shall have to break my back, or *to break my oath.*

You had better break your oath than your back, said a man passing by; I have no money to throw away upon a rogue.

A rogue! said the burthened man. If I were a rogue I could break my oath; but it is conscience keeps me here. I cannot

break my oath; and my back must be broke. Help, good people help; buy my wares and ease me of my load.

You son of a ——, said a rude man, cannot you stand up, and your pack will fall off?

Ay, but it is my oath, said the pedlar, that keeps it on, until all my goods be bought.

It ish a tam sheat, said an honest German; he ish a liar and a rogue. His pack ish light ash a feather; wid shilks, and such tings, dat weigh noting. He is tam sheat and a rogue.

I am muckle o' your way o' thinking, said Donald Bain, the weaver; it is a' a stratagem, to get his hand in folks pockets, and wile awa' the penny. The deel an aith has he ta'en. It is a' a forgery.

It ish a devlish contrivance, said the German.

It is all de love of de monish, said a Jew. His conscience is monish; I go anoder way to de exchange dish morning.

Nevertheless credulity prevailed; and some continued to purchase.

OBSERVATIONS.

IF at the hundredth edition of this work, a century or two hence, it should be published with cuts, like Don Quixotte, and other books of an entertaining cast; the figure of the pedlar and his pack may afford a good drawing; and the Harlequin at the same time with the people on his back.

The moral of the *distressed politician* is obvious to every one. It is natural for us to suppose that the world cannot do without us. O what will they do when we are gone, is the language of almost every man's heart in some way or other. I will venture to say there are chimney sweepers, who think that all will go to pot, when they drop off. Yet the world goes on its gudgeons and all things that are therein revolve just as before!

What will we do for a general? said one to me, when Fayette deserted to Sedan.

What? when Dumourier went off, said another.

He may be yet in the ranks, said I, who will terminate the revolution. It came nearly to pass; for the Corsican was at that time but in the low grade of what we call a subaltern.

I have reflected with myself whence it is that men of slow minds, and moderate capacities, and with less zeal and perhaps less principle, execute offices, and sustain functions with less exception, than others of more vigour and exertion; and I find it owing to a single secret; laissez nous faire; "let us be doing:" that is, let subordinates, do a great deal themselves. "He is right;" it is well; and if it is wrong, self-love saves the error: men had rather be suffered to be wrong, than to be set right against their wills. What errors of stupidity have I seen in life, in the small compass of my experience, and the sphere of my information; and these errors the object of indulgence because there was nothing said or done to wound the pride of the employer. This is a lesson to human pride and vanity. It is a lesson of prudence to the impetuous. The sun lets every planet take its course; and so did General Washington. That was the happy faculty that made him popular.

His fort was, in some degree, the laissez nous faire; "The not doing too much."

Yet the lovers of an art may be excused in being hurt when they see the artist err. The lovers of the public may deserve praise who wish to set the world right and do a little towards it. It is the error of vigorous minds, to say the least of it; and oftentimes, the excess of virtue.

Sometimes it is *an instinctive impulse of spirit that cannot be resisted.* Alcibiades superseded in the command of the Athenian army, but remaining in the neighbourhood could not avoid pointing out to the generals who succeeded him and who were his enemies, the errors they were about to commit, and which advice, neglecting, they were overthrown with their forces, by the Lacedemonians under the conduct of Lysander, and disgraced. Moreau though superseded by the directory, and serving only as a volunteer, stepped forward to an unauthorised command, and saved the army on the defeat, and death of Joubert.

The critic will say what use can there be in such representations? We do not write altogether for grave or even grown men; our book is not for a day only. We mean it for the coming generation, as well as the present; and intending solid observations, *we interlard pleasantry to make the boys read.*

CHAPTER X.

AS the Captain was lounging through the fair, he saw a tall thin man, of a lean visage and sallow complexion, talking at a stall with a chapman. He had under his arm a piece of new, or, as it is called, *green linen.* In fact he was a weaver, and had linen claith, as he called it, to sell. For he was what we call a Scotch-Irishman, and of the name of Oconama, which is not a Scotch-Irish name, but an aboriginal patronymic; nevertheless it came to be his name, perhaps by the mother's side.

He had on what we call a *spencer;* that is, a coat with the tail docked; though some have this kind of garb made so in the first instance; that is, a juste au corps, or jacket to go over the coat, instead of being under it; so that it seems to be *but a half-coat.*

Now Oconama is pronounced with the final vowel soft; and hearing it so pronounced the Captain took it to be *economy;* especially as he saw that his dress corresponded with the designation; and the small scratch wig on his head, but half covered his brown hair, which was seen underneath, supplying the defect of covering by the caul, which was piss-burnt, and had but a few straggling hairs on the top of it, which was bald otherwise as the pate of a Capuchin.

Economy, said the Captain, for such I see you are, and I might have known you even if I had not heard your name; I am glad to have fallen in with you; having often heard of you, and wishing to see you, and to be acquainted. There was said

to be great want of you a few years ago, under the presidency of John Adams, who though a good man, yet it has been understood, did not sufficiently consult you. I am glad to hear that you are in request with president Jefferson, though it may be as some say, that he consults you too much, and that you carry things too far.

Adams! said Oconama. I was not in the country when Adams was president.

The more the pity, said the Captain. There was great want of you. You were much called for. There is a want of economy, said one. There is no economy, said another. But I am happy that you are now here. Great things were expected from you, and great things you have done. But there are good men who think, to use their own phrase, that we are economizing overmuch, and that by the weight of your reputation, you have misled our councils, in some particulars. A judiciary law was said to be repealed on *the principle of economy*. The *constitutionality* of the repeal has been questioned, much more the *expediency*. The suitors are obliged to come from the most remote parts of a state, to some one place where the circuit court is held, which under that law was brought if not to their own doors, yet at least nearer home. *The constitution must be amended as to the jurisdiction of the Federal courts;* or a like law must be re-established. The army has been reduced on the *principle of economy*; the marine also. Our armed vessels have been sold off, and turned into merchantmen. Hence a petit guerre with the Bashaw of Tropoli, for several years, whom we could have put down, and burnt up like a wasps' nest, if we had kept our ships, and men together. But I will not say, that there was not good reason at the time, to justify the retrenchment, mean appearances were such as to justify it. It is easy to judge after the event, and though I think the thing was wrong, yet I do not arraign the motive. The public mind leaned so strongly to retrenchments, and called for it so loudly, that it was not easy to resist it.

But the spirit of economy is said to have invaded the legislative part of the administration, and to be about to fall upon the

executive itself in *the reduction of salaries*: And not the administration only of the general government, but of the states, confederate and subordinate.—For imitation is the faculty of man; and we imitate those whom we respect. Hence it is, that we every where hear of economy. An old woman cannot set a hen to hatch but on the *principle of economy*.

It is a check to all improvement in any system: the judiciary, for instance that it does not consist with economy. Now query, Mr. Economy, whether this may not be carrying things too far?

I know well that fault will be found with all measures. For all systems have their draw-backs. This world that we inhabit has its physical and moral evil though the work of infinite wisdom. What perfection then can we expect from man? But it is well to weigh, and to know whether what is attempted, comes as near as may be expedient. This is all I have in view. You have been praised, and you are blamed.—And so it has been with all men in all ages who have endeavoured to serve the public. Their integrity, and their exertions have not been sufficient to secure them against obloquy.

Romulus et liber Pater, et cum Castore Pollux,
Post ingentia facta, Deorum in templa, recepti,
Dum terras, hominumque colunt genus, aspera bella
Componunt, agros assignant, oppida condunt;
Ploravere suis non respondere favorem
Speratum meritis ——————

Of this Smart's translation is as follows:

"Romulus, and Father Bacchus, and Castor, and Pollux, after great achievements, received into the temple of the gods; while they were improving the world and human nature; composing fierce dissentions, settling property, building cities; lamented that the esteem they might have expected, was not paid in proportion to their merits."

The weaver, at this rhapsody, especially the last part, the Latin sentence, stood amazed, with his eyes staring, and his mouth open. He took him for the madman of whom he had heard, and who had been said to have been tried that day; and,

on the principle of self-preservation, if not of economy, began to recede and to ensconce himself behind the pedlar, who accosting the Captain took upon him to explain.

It must be a mistake of the person, said the chapman this is not the man you take him to be.

Who is he then? said the Captain. It is not Gallatin;* for Gallatin does not wear a wig, as I have understood, but his own hair; and Madison† is a small man.

It is neither Gallatin nor Madison, said the pedlar; but an acquaintance of mine from the county Wicklow, in Ireland. He has been in the country about two months, and has never seen Jefferson, or given him advice to do good or harm.

I ask his pardon, said the Captain. Calling him economy, I took it to be him that is said to be at the seat of government, helping on with retrenchments and expenditures. His garb corresponded with his designation, as he seemed to *cut his coat according to his cloth*; and had curtailed the dimensions of his periwig, substituting a little of his own hair; or rather letting it grow, to make amends for the want of caul, which bald as it is, comes but half way down his occiput, and *leaves his neck bare*:

OBSERVATIONS.

It would be a gratification to myself, and it might be of use to others, to give some notes of *political history in this state*. Those *just grown up*, or lately come amongst us from abroad, would better understand why it is that *democracy* has been occasionally the order of the day, and again put down. It has always had numbers on its side, and yet has not always possessed the administration. I use the term democracy as contradistinguished from the aristocracy; that is, a union of men of wealth and influence.

* Secretary of the treasury. † Secretary of state.

In the state constitution of 1776, the democracy prevailed in carrying a *single legislature* but this laid the foundation of their overthrow; because experience proved that it was wrong. "*Wisdom is justified of all her children*"

The constitution of 1776, gave way to that of 1790, and the aristocracy obtained the ascendancy; or rather having obtained it, they brought about a convention, and carried the constitution of 1790 *; which is the present.*

But connecting themselves with the errors of the administration of the federal government, in 1797, 1798, they lost the state administration, and the *democracy* prevailed

Five years has it retained the administration *;* and will, an interminable time, provided *that wise measures are pursued, and justice done.*

This I am not addressing to the legislature, or executive power of the government; but *to the people.* It is for them my book is intended. Not for the *representatives* of a year or four years, but for *themselves.* It is Tom, Dick, and Harry, in the woods, that I want to read my book. I do not care though the delegated authorities never see it. I will not say it is to their *masters* that I write, for I reprobate the phrase. I have no idea of masters or *servants in a republic.* But it is to their constituents that I consider myself as applying, the observations that I make. At the same time professing, which, *after what has happened in my case, is perhaps necessary,* that I have not the slightest disrepect for the representatives *that have been,* or may again be; I only wish them to support a character in their deliberations, which the *world must approve.* Or rather I wish the *democracy* supported, which can be done only on the basis of *wisdom,* which contains in it truth and justice.

Error is always weakness. Integrity cannot save error. It can only reduce it from misdemeanour to frailty.

In what is the democracy likely to err? How do men err when they run from one extreme to another? There may be *an extreme in economy* as well as in expenditure. The *economists* are a good description of persons; but may not always be the *illuminati.* There is such a thing as *economy over much.* A man of spirit and enterprise in his private affairs, will be sen-

sible that it is no economy to stint his labourers of wages; or to higgle in his bargains. More depends upon judgement, and expansion of mind in his plans, than in nigardliness in his contracts. Laying out well, brings in, *and improves his* plantation. The federal government, in the opinion of some, taxed too much or injudiciously. We will not tax at all, Rather than tax, we will bend our minds to reduce *offices and salaries*; at a time too when the purchase of commodities proves to us, that the value of money is reduced, and the price of living advanced one half. *The jurisdiction* of the justices of the peace proves this; for it must have been a good deal on this ground, that it has been increased from fifty, or thereabouts. to *one hundred dollars*. But it is not merely the reduction of offices and salaries, that is the evil, but the wounding a principle of the constitution; or *straining a principle* to get quit of these: for, it cannot be dissembled, that it is broached in many places, to overthrow the whole judiciary establishment, and put men upon the bench that will take the honour of it for the compensation. This might look well at the first glance; but it would ultimately destroy the democracy by which it was accomplished. But suppsse nothing of this in contemplation or attempted; who are they that oppose an amelioration of the judicial system, competent to an administratin of justice, by an increase of the districts, or the judges?—The *economists*: Though, it can be demonstrated, that a pound is lost to the community, where a penny is saved. But it does not come by the way of *direct tax*; but insensible filching, in the way of *the expences of attending courts*.

But the *justice of the thing is more*; the dispatch of trial, and decision. The delay of justice, is the denial of justice. It would be for the credit of the democratic administration to have just ideas on this head, *There are amongst them who have; but it is not universal*.—The fact is, that it will not always be borne; *and their adversaries will triumph*.

Where it not for the name of the thing, I do not see that a judge in this state need care much about being broken; for it is but a pack-horse business at present. It requires as much sitting as a weaver, and as much riding as a carrier of despatches.

I often think of the language of Job, in more senses than one, "my days are swifter than a post."

In riding from one court to another it is necessary to be at a certain point by a certain hour, though rain falls, flood swells, and roads are bad— Even in good weather there are bad roads. Why not make good roads? Here again the *economists* present themselves. The roads are left to the *townships*; even the *great state roads*; and no improvements of a public nature are attempted, or thought of; *economy* is the order of the day. It would seem that democracy had no soul; that it views things on a narrow scale. That it has not the knowlege or the ambition "to make a great state out of a small." I would wish it to stretch a little in its views, as to the amendment of the roads, and the improvement of the judicial system. But this is not a building up, *but a pulling down time.*

I know what it will pull down eventually; the *democracy*. People will be as much dissatisfied, by and bye, with *economy* resisting all improvements, as they were of late with *provisional armies*, and a house tax. A *false economy*, not resisting merely the accomplishment of public objects, but sacraficing to itself the *establishments that do exist.* It is the Moloch that is calling for the constitution that it may devour it. It is to this idol that the third branch of the government must be offered up in one shape or another. For what is it, whether a judge is broke upon the bench, *or his neck broke upon the roads?*

Economy may save the representatives for the time being, until by feeling, the people come to have a sense of the policy. But it will affect the credit of the democracy; and in the end bring it down. It is a paralytic that will terminate in a convulsion of the public mind and change the administration It is in the nature of things that this will be the case; *for great is the force fo truth, and it will prevail.*

In what I have said on this head; I will acknowledge that I have in view chiefly that economy which resists an improvement of the judicial system. Though probably before this is read, it will not be of consequence to me but as a citizen, and perhaps not even in that capacity, whether it is improved or not.

CHAPTER XI.

I FEEL a disposition in writing this bagatelle, to introduce something solid, and therefore have contrived to bring about a conversation on the part of the Captain, with the principal of the college. It was on the subject of education: not education generally, but particular points of academic institution.

I do not like, said the Captain, the enjoining, or imposing, to use a stronger term, tasks of original composition. It is well to instruct in grammar, and the elements of writing, so far as respects arrangement, perspicuity, and the choice of proper words, and in this I have but one rule, which is to think first, and endeavour to have a clear idea, and then to put it down in such expression as to be best understood. The definition of style given by Swift nothing can surpass; "proper words in proper places." And for this purpose translation is the best exercise. It is absurd to require of youth thoughts before they have any; or at least, correct thoughts. Help me out with my description; assist me with my theme, says one.—What shall I do for an oration, says another?—Is it ever a complaint in common life, that men want tongues? Are you obliged to urge them to write in newspapers? The difficulty is to keep them from it. They will be talking and scribbling before they know what to say, or to write. The seven years silence of Pythagoras was a noble institution. What an excellent improvement it would be in our public bodies, that a man should serve, say two years, before he should have leave to open his mouth, save just to say aye or NO!

But we begin our system of errors at the very schools. The student must compose. It is true we have improved upon the system of the last century in this particular; and do not now insist upon it that it shall be in verse. It is sufficient that it be in prose. I mean, that making latin hexameters, or English hendecasyllables, are not now a task. But it still remains that the boys must write.—And yet the poet which you put into their hands says,

Recte scribendi, sapere principium est, et fons;
Good sense is the foundation of good writing.

I do not like much, your declaiming in colleges; though doubtles the ancients had this practice;

——Ut inter discipulos plotres, et declamatio fias.

But is this arbitrary speaking calculated for any other purpose, but to make a pedant? You must stretch out your hand at this; you must draw up your leg at that.—Here you must say Ah! there, Oh! It is the feeling of the heart only that gives attitudes; it is passion only that can swell out the breast, or agitate the members. I have seen an old woman angry, or moved with grief, play the orator very naturally. The emotions of her spirit, distends the arm and stretches out the muscles. She clenches her fist at the proper period, and lays her emphasis upon the proper words. She says Oh! or Ah! in its proper place, without being taught it by rule, or pedagogue.

Passion blows a man up like a bladder. He grows as big as himself. His hair rises on his head, and his breast heaves. Will rules give a man passion? Will a man that feels, stand in need of rules?

I perceive, Captain, said the Principal, that you are no slouch at supporting a paradox. Polybius tells us, that the Romans exercised themselves on shore, learning to keep stroke, and to feather their oars, while their gallies were building, to encounter the Carthagenians, in the first punic war. Can it be of no use to stretch the joints a little even without passion? Or cannot passion be called up by the exertion of the speaker, even in a feigned case? It is something to accustom youth to stand up, and face an audience. At all events, it is an amusement, and it can do no harm to the boys to spout a little. At the same time it is no proof of eminence in real speaking that the youth spouts well. For that as you say, must come from sentiment and feeling. But there is something in a habit of declaiming, at least to assist the voice and gesture. But I have always thought it preposterous in our *Young Ladies' Academies*, to put

little misses forward to speak. I have thought it an indelicacy to suffer them to declaim. It is unnatural; for what occasion can they have to harangue?

I am of the same opinion, said the Captain, I could never approve in a family to see a little miss called up by a silly mother, or weak father, to hold out her hand, and speak a passage which the blockhead of a teacher had instructed her to commit to memory. It is indelicate and out of nature.

To what assists the memory, I have no objection.—But for this purpose, there are sentences in the Scriptures, in the Proverbs of Solomon, especially; the Gospels, and the writings of St. Paul. In Shakespeare, are fine thoughts drawn from human nature; moral observations consolatory, or instructive. Let them be got by memory, because recollected, they will guide, conduct, or embellish conversation. These would be a good substitute for catechisms, containing points of faith, which the young mind cannot comprehend; and the divines dispute about themselves. Catechisms might be laid up for grown persons. The fact is, the early catechumeni, were all grown persons. It was not until the time of John Knox that they began to teach children the dogmata of the scholastic theology. The Jews had it in command from Moses, to teach their children sentences; or precepts of the law. They were taught to bind them on their arms, or about their necks in slips of writing which they called *phylacteries*. But do we hear of teaching them the Talmud of Jonathan, or the Targum of Ben Onkelos? The commentaries of Rabbi David, or Eben Ezra the Jew, never superseded amongst them, the precepts of the decalogue.

I had no idea, Captain, said the principal, that you had so much knowledge of the Pentateuch.

A little only, said the Captain. But I go on to observe that in Turkey, they commit to memory only the moral lessons of the Koran; or of the Misnud of Persia. The Vedam of India is a book chiefly for the Priests; and so with us ought to be the greater part of the *confessions*.—At least mature years, only can digest them.

But these dogmata planted in the memory, grow up to fruit in the understanding afterwards, said the Principal.

That is, said the Captain, commit to memory now, what you will understand afterwards. I would have memory and understanding go together. But this leads me to *say a word*, on memory, as you divines say when you preach. For you talk of saying but a word, when before you are done, you make a sermon out of it. Memory is a thing improveable, and ought to be improved; I do not therefore approve of this thing of *taking notes*. You read your lectures, and the student must take notes. It spoils his hand; for trying to keep up with you he writes fast, and runs into scratches like short hand, or the Coptic alphabet.

Sometimes the student copies the lectures, to a great waste of time, and unnecessarily; for learned professors thought they had done a great deal in getting them out of manuscript into *print*; and now the labour is to get them out of print into *manuscript* again. But the principal disadvantage, is the neglect of the *memory*. And when a man gets a thing in his book, he neglects to put it into his head. Let the thing rest in the brain if possible.

Pedagogues that teach the first elements of arithmetic will instruct the youth to work their sums, as they call it, on their slates: and afterwards put down the figures in their books. This is to take home to show to their parents, that they may seem to be doing something, and the master get a good name. But it is a loss of time and of paper.

The same pedantry is carried up into higher institutions; and the classes copy lectures, to make themselves, or others, believe that they have been doing something.—

Just at this instant a gun went off, and thinking somebody might have been shot, they broke off the conversation.

A fracas in the mean time had taken place, at the sign of the New Almanac. The cause of this tumult at the public house, was the circumstance of a disagreement which had taken place between the apothecary and his tumbler, the bog-trotter. The latter having got upon the stage first, insisted that he himself was the doctor, and the apothecary the tumbler; and indeed it seemed to be the most consistent; for the apothecary had the appearance of being, by far, the most alert man.—

Active and nimble he could leap like a monkey. It was for this reason, the public took the part of Teague, and insisted that he should retain his station of doctor, and the apothecary should play the part of tumbler. Accordingly he was under the necessity, however reluctant, to take his place upon the platform, and begin his pranks previously to the opening of the sale of drugs.

The bog-trotter in the mean time, acting in the capacity of doctor Mountebank, had displayed his boxes, papers and phials. But saying nothing of these he made it known to the multitude, that he had a good will for the people of that village; that having been long absent, he had at length returned, with the knowledge which he had acquired by his travels, and with some wealth which he had encompassed by means of that knowledge; that in consideration of natural love and affection he was about to bestow a dollar upon every man present.

At the sound of the word dollar every ear was erected. No conventicle ever had hearers more attentive.

God love you, said he, my dear country paple and namesakes, hold out your hand, and your purses at de same time, and take dis dollar dat I hold in my hand before every one o'd you For here is dat famous powder tyed up so nately here every paper by itself, which I sell to all de world for two dollars; you shall have dear honies, and much good may it do you; for nothing at all, but de half o' dat, one dollar a pace, and a devil a worm will ever trouble you afterwards. Here is two dollars going for one dollar, just out of love and kindness to de paple of de place.

The multitude, who had expected the bounty in hard cash, were somewhat disappointed; but nevertheless considering the bargain, the greater part that could muster a dollar, took the gift and gave it in exchange.

The apothecary was so much pleased with the success of the new partner, that though on his part degraded to the inferior station, he counted it no misfortune; but began to tumble with more good will, if not with a better grace than before, submitting to the doctor mountebank, who affected now and then to chastise him with a cowskin, to teach him manners and alacrity in his profession.

CHAPTER XII.

THIS being the annual election, the Captain apprehensive that Teague might be taken up in the borough, as the people are ever fond of new things, and the late gift of a dollar in the sale of the drugs, had made him popular; though what he sold for a dollar was not more in the apothecaries shops than a few cents; apprehensive of trouble, I say, as on former occasions, when he had seen less of the world, and was not so well qualified for a representative, the Captain thought proper to withdraw the bog-trotter for a day or two from the village, and take a journey in the country, where his merits were less known, and there was less danger of his being kidnapped for such a purpose.

But whether owing to themselves, or to the times, the office of a judge happening to be extremely obnoxious, there was danger of their being taken for one of them in their rambles; and therefore it became necessary to be on their guard, more especially on account of the bog-trotter; so as not to go near an assembling of people; whether for the sake of election, or for other purposes.

With all his caution and circumspection, keeping the bog-trotter in the middle of the road; and warning him against what might happen; nevertheless, going too near a place where a poll was holden, the unfortunate scavenger, as I may call him, was recognized by some present, as having been upon the bench. The rumour soon went out, that one of the ci-devant judges was making his escape, and the populace were called upon to apprehend the fugitive. Teague, denial being in his way of thinking, a main point in the law, even had it been the case, was ready to swear by the holy poker, and the fathers, and every oath that could be put to him, and with great truth, that he had never been upon a bench in his life; nor had been in the capacity of judge or justice since the day that he came into the country.

"Thy speech bewrayeth thee," said one of the people called Quakers; "I saw thee on the bench; and heard thee give thy charge to the grand jury."

By the bye he was mistaken, for it was a Scotch judge that had given the charge; but he mistook one brogue for the other.

But the Quaker was believed, and the bog-trotter stood convicted.

Yes, said the multitude, he has the very physiognomy of a judge; you may see it in his face. Hang him at once, and be done with his judge-ship.

A rope-maker brought a new cord, with which never man had been hung, and throwing it over the limb of a tree, was about to attach the other end to the neck, when the sudden squall of a pig, that some one had hit with a stick, drew off the eyes of the multitude, and the attention of the man that held the halter; and the bog-trotter seeing an opening, made a sudden spring, and escaped from the crowd. He was pursued but a little way, no one chusing to tire himself, not understanding that any reward had been proffered by the government for the taking up a judge.

The Captain seeing Teague clear, and running now almost out of sight, began to expostulate with the multitude, and upbraid them for this violence.

Do you call in question the right of the people, said one of them, to hang their officers?

But are you the people? said the Captain. A few mad caps get together, and call themselves the people; and talk of the majesty of the people. You do not appear to be a very discerning people, to take my bog-trotter for a judge; nor can your majesty be deemed very gracious, and merciful, that would hang him up, not giving time to say his prayers, or to have the conversation of a clergyman. Had he been a spy come into your camp, in the war, on the eve of an engagement, you could not have showed signs of greater dispatch in taking away life, than in this instance.

Captain, said a man that knew him, do not think so hard of these young men; they had no intention of hanging him outright.

But even half-hanging, said the Captain, is no pleasant sport to him that is the subject of it.

With that turning round his horse, he left the ground, and returned to the village; reflecting with himself on the danger of wandering far from the place of his abode; or at least venturing where he was not known; lest he might be taken for a judge also, and brought to a hasty end by the limb of a tree, as was near being the case with his unfortunate bog-trotter, a short time ago, in the place which he had just quitted; and which he never wished to see again.

CHAPTER XIII.

HAVING composed himself at home some time, the Captain took an opportunity, at a leisure hour, to pay a visit to the blind lawyer, and entering into conversation ventured to put the question, Whence the rage against the judges? Had it always been the case, or was it a late matter that had broken out? Did it depend upon moral causes; or was it a matter of accident, unaccountable by man?

There is in the human mind, at all times, said the blind lawyer, a dispositon to throw off shackles, and revert to the natural simplicity of early ages; not that we relish even in imagination, the oak, and the acorn: but we pass over these which were the food, and the covering of the primitive inhabitants; and we think only of their liberty. How delightful it is to lie on one's back, and whistle; having no care and no laws to trouble us.--- Down with the lawyers, has been the language of the human heart ever since the first institution of society. It breaks out into action, some times, as the history of Jack Cade informs us.

A spirit of reform is, unquestionably, a salutary temper of the times; because there is at all times, need of reformation. This is the angel that descends into the pool, and troubles the waters; so that he who steppeth in afterwards, is made whole

But troubling does not mean muddying the waters; but giving them motion, and exciting a current. It is by the spirit of the atmosphere, the wind, that the waters of the ocean are preserved salutary. But from the same cause springs the tempest, and hurricane. The spirit of reform is terrible in its excess. It is a matter of great judgment to stay it at a proper point.

Is not the right of universal suffrage, said the Captain, a great cause of this excess in our councils: persons young in the world, in the country, or such as have but little property put upon the same footing with those that have a greater stake in the preservation of the laws, and in the stability of the government?

It is extremely difficult, if not altogether imposible, said the blind lawyer, to adjust this matter to general satisfaction, and at the same time, general safety. With regard to age, it cannot well be carried, later than the age which gives the ownership, and disposition of real estate; and as to qualification of property, it has been found impracticable to carry it into effect. For how can the value of estate, clear of all drawbacks, which any man possesses, be ascertained?

It seems inhospitable to hold the emigrant to a quarantine; and postpone the exercise of suffrage, to a distant day, and yet it is natural for an individual whom we admit to become a cotenant of our habitation, to think that he can serve us, and himself also, by some alterations in the structure and compartments of the cabin. The German inhabiting a cold country, naturally thinks of accommodation to the winter: the Briton also anticipates the heat very little. Neither of these are aware of the particular winds that blow, or of the rains, at certain periods, that usually descend, or of the diseases of the climate. The older resident ought to be consulted, and his notion of things not too lightly undervalued.

The idea of reform delights the imagination. Hence reformers are prone to reform too much. There is a blue and a better blue; but in making the better blue, a small error in the proportion of the drug, or alkali, will turn black. A great enemy to a judicious reform is a distrust of those skilled in the subject of the reform; and yet there is ground of distrust where

those skilled in the subject, have any possible interest in the reform itself.—One would suppose that an old lawyer out of practice, one who had been a judge, and no longer on the bench, might be trusted in all questions of amendment of the judicial system. But the legislative body is the organ of amendments; and it is natural for one branch to endeavour to absorb the independence of another, or to be suspected of it. Hence jealousy and distrust, which an enlightened policy can alone dissipate.

But the present idea of reform seems to be to pull down altogether, said the Captain. I do not know that you will see "down with the judges" just written upon fence rails, or scored on tavern windows; but it is a very common language among the more uninformed of the community. The danger is that it may be mistaken *for the voice of the people*, and under that idea influence the constituted authorities.

That would be an error, said the blind lawyer. For it does not follow that, because a thing seems to have advocates, that it is the voice of the people. The noisy are heard; but the dissentients are silent. Hence it is that those who hold the administration for the time being, are not always aware of the real inclination of the public mind. It is at the moment they seem to have the greatest sway, that an under current begins to set. The truth and justice of the case, therefore is the great guide; not what may appear to be the popular opinion.

There would seem to be good sense in what you say, said the Captain; and for a blind man, you seem to have a tolerable insight into things. But how shall the truth and justice of the case be known in a government?

It is not an easy matter, said the blind lawyer; or, as in the present conversation, I ought rather to call him the blind *politician*. For there are fanatics, and there are designing men. The fanatic is an honest creature, that thinks he is doing God's service; when at the same time *he is undermining the pillars of the constitution*.—The designing man, sails with whatever he finds to be the current: or, rather than let the pool stagnate, he will excite a current. In order to be something in a government, a man must do something. *There is little to be got by do-*

ing good ; for all feel the benefit ; but no one enquires into the cause. It is by disorganization, that reputation is most easily acquired. The introducing a new law, or the pulling down an old magistrate, says Machiavel, are the means by which a young person may distinguish himself in a commonwealth Indeed even an old person will find his account in showing game. If he cannot show a panther, he must show a hind, and raise the talliho.

I do not know whether you call a judge a hind or a panther, said the Captain ; but that seems to be the game at present. Every one must have a whit at a judge.—No festival can be celebrated with suitable patriotism, without a dash at the judiciary.

There is danger, said the politician, of running down a branch of the government. It is a delicate point to restrain and not to overthrow. Wrong or excess terminates in the loss of liberty.

Individual injury may be done, said the Captain ; but the constitution is a barrier to usurpation.

Our constitutions are yet green, said the politician. Inflexions are easy. It is construction makes the constitution ; and these vary with the men in power. A witch at a mast head is not more dangerous, than the spirit of ambition A branch of the government is no more than a bramble bush before it. A philosopher is at a loss to know whether to laugh or shed tears, when he hears invectives against the immediate usurpers of a government, when the thing had its foundation in the errors of the people a long time before. It is like laying the death of a man upon death itself, instead of the primary causes which had sown the seeds of his disease. The ambition of individuals out of doors, and afterwards within doors, to carry particular points, without looking to the consequences, or overlooking them for the sake of the immediate object, is the invisible gas, or poison, that with a slow or rapid process, ultimately produces fever, and brings on dissolution. Self denial is the great virtue of a republic. It is the opposite of ambition. Self-denial looks only at justice. It looks at the public good.—Self-denial may not be accompanied with information ; but it is ready to receive information. It is not always an apt, but it is at

least a willing scholar. But inordinate self-love, begets obstinacy in the weak mind, and ambition in the strong; both destructive of happiness, political or personal.

I hear a sound, said the Captain, like that of many tongues: and I see a man runniug, whose strides are like those of my bog-trotter.

It was a tumult in the village occasioned by the bog-trotter; though he could not be the cause of it. Talk much about a thing, and you will put it into the people's heads. The fact was, that in a meeting of the citizens, it had been proposed a second time, to make Teague a judge.

Make him a devil, said a rash man, getting angry.

A devil, let it be then, said the populace; and while one went to get horns, and another hair to make a tail, the bog-trotter was left standing in the midst. But he did not stand long; for understanding what was about to be done with him, he slipped cable, and shot a-head half a square before the people were under way to retake him.

His object was to reach the Captain and the blind lawyer, whom he saw conversing at a distance: but he was under the necessity of making some doubles, to elude his pursuers. At length, however, reaching the Scean gate, more fortunate than Hector, he threw himself under the protection of the Captain; who being made acquainted with the cause of this uproar, was beginning to expostulate with the rioters.

Captain, said they, is it reasonable that the people should be checked in every thing they do? Was it not enough for you to throw cold water upon making him a judge, or the editor of a telegraph; but you must also obstruct his advancement to the office of a devil.

Finding the people warm, the Captain thought it prudent to lay the blame a little on the bog-trotter in the first instance.

Teague, said he, this is the first promotion to which I have ever known you to have the least objection. Is it a false pride, or a false delicacy, that induces you to decline the appointment? Were it not more advisable for you to accept your credentials; the tail and horns, than, through affected modesty, to decline

the commission? or at least carry the matter so far, as to be a fugitive from honour.

In a free government, said the blind lawyer, a man cannot be said to have dominium directum, or an absolute property in his own faculties. You owe yourself to the commonwealth If the people have discovered in what capacity, you can best serve them, it behooves you to submit and accept the trust.

The bog-trotter on the other hand, though he could not yet speak from the fast running, was averse from the proposition; not only on account of the unbecoming appearance of the badge of the office, but least if made a devil, in appearance, he should be taken for one in reality. He might be claimed by Lucifer, perhaps, and ordered upon duty, not having a liking to the service; whether it might be to tempt good people, or afflict the bad.

The fact is, he was taken by surprise; and even when he got his breath, he stood gaping at a loss what to say. It appeared to him an unintelligible matter, how he could be of any use to the community, in the capacity of a devil; or how tails and horns, should change the endowments of his mind, though it did the appearance of his body. Hinting this, as well as he could in broken sentences, he was answered by the populace; "that he had made no objection of that kind when he had been made a judge; or acted in that capacity; or when it was proposed to put him at the head of a paper; that in fact it was a new thing from any candidate, unless, indeed, under an affectation of modesty, to allege want of parts, or an inadaptation to a place of profit or of power."

But perhaps it is the first time, said the lawyer, that it has been proposed to diabolize a man. Even of offices that are known to the constitution, there are some, which men of a liberal education, would wish to decline; though, by the bye, it is not good policy to decline an office because of the subordinate nature of it; for submission to the will of the people, in this respect, may be the means of obtaining their suffrages at another time, to a more important station; wherefore I would re-

commend it to the young man to turn devil, since it is the public voice.

It will require no great change of mind, said the Captain, to qualify him. The metamorphose need only be of his body. His parts otherwise may stand as they are.—But I would ask, is it not a superfluous alteration in the economy of the world? Is not the devil that is already made, competent to all necessary purposes, Why apply steam to propel a boat, unless against the current?

It is true, said the Lawyer, we have it in all indictments "moved by the instigation of the devil." And there is no complaint of the want of a devil, to instigate indictments.

Were that the case, said the Captain, I should be unwilling to withhold assistance even to do mischief when the community required it. But all matters appear to me to be going on pretty well towards confusion in this village. And why increase the number of devils, I do not well comprehend.

Cui bono, said the Lawyer; of what use? Why carry coals to New-Castle, or timber to the wood?

It appeared to the more reasonable that there was good reason in this; and it was agreed to postpone the making a devil at that time.

But it will not be understood that even the bulk of the people really conceived that it was in their power to constitute a devil with the qualities of one. They had no idea of turning devil-makers, to that extent of the composition, They had sense enough to know, that all they could do was to give the form, and appearance of one. For however men of superior standing in society, may be disposed to undervalue the common people, and to reckon them fools, there are as many knaves amongst them as fools, and perhaps more, upon a nice scrutiny. These rogues who were at the bottom of the buisiness, meant no more than their amusement with the public, and a little mirth at the expence of the Captain. Nevertheless, the matter had been carried so far, that had not the Captain and the blind Lawyer, assisted with their address, and parried the proposition of devil-making by an indirect argument, the inutility of it, the matter must have gone on, and a devil, in some sense of the word, must

have been made. For it may easily be conceived, what a flame it would have raised to have stood forward boldly, alleging that the idea of making a devil was a wicked conception, and its origin, in a design to overthrow the government; that it was a diabolical attempt, and they must be worse than devils, into whose heads it had come. Nor would it have mended the matter much, to have told them that they were themselves devils, or at least do the work of devils in hostility to churches, and schools of learning. For as by the application of mechanical powers we gain a force above the direct strenth of a man, so by that mode of speech and reasoning, which flatters self-love, and hides the application that is intended. Men deserve great credit, who, by skill in science, have lessened labour; who by the invention of useful tools, have rendered the life of man more comfortable upon this globe. But they deserve not less praise, who by study and reflection have rendered themselves capable of managing the minds of men. This is the art of oratory, which consists not in length of speech, or melody of voice, or beauty of diction; but in wise thoughts; and here our orators from the schools fail. Men of business learn to take things by the right handle, and to speak with a single view to persuade. You might as well expect good liquors without fermentation, as a man of real sense without experience in life. Doubtless all experience will not of itself suffice. There must be a substratum, or layer of judgment to begin with, in order to make a man of sense. Some may ask me of what use it is to have recorded these freaks of the town's people? It is not pretended that it is of any, farther than to keep my fingers going. But is not that something to a man's self? *There is a pleasure in writing, which only the man who writes knows.* Yet I believe no man would write unless he expected somebody to read. His own reading would be small if he did not expect to have it found out that he had read. Thus self-love is, in a great degree, the spring of all things. Is it nothing to be able to show how easily I can elevate small matters? That is the very reason why I assume this biography. Any one can write the campaign of a great prince, because the subject sustains the narrative. But it is a greater praise to give a value to the rambles of private

persons, or the dissensions of a borough town. One advantage is, that these transactions being in a narrow compass, the truth can be reached with more certainty, the want of which is a drawback upon histories of a greater compass, most of them being little better than the romance of the middle ages, or the modern novel.

Having premised thus much, we go on to a fact that took place the following Sunday.

CHAPTER XIV.

THERE had been so much said of devil-making, in the village for the last two or three days, that it had come to the ears of the clergyman, who became alarmed; and thought he had as many devils on his hands already as he well knew what to do with; not alluding to the devil in the scripture; but the diabolicism of wicked men. He chose a text therefore, from which he could draw inferences on this subject; a passage of the scripture which might seem to have an allusion to the devil they had been about to make the preceding week, and at the same time furnish a clue to some illustrations of the text. The words fixed upon, were those in the book of Job.

"And Satan came also among them."

It so happened, that just at the giving out of the text, the bog-trotter with his walking pole, made his appearance at the west end of the church, which the people seeing, and mistaking him for that devil of which the parson spoke, rose as one man, and called out "the devil." For it was seldom that Teague had come to church; but the Captain had enjoined it upon him that day, to see what reformation it might produce in his life, and conversation. It was unfortunate that the clergyman, in pronouncing the word, had happened to direct his eye toward that end of the church at which Teague was; which drew the

attention of the people to the same quarter; and hence the impression, as sudden as it was universal.

As from a theatre, where the scenery has taken fire, there is an effort to escape, and the spectators rush in every direction; so on the present occasion. The greater part had got out and were at some distance from the church, in disorder, the deacons endeavouring to rally them, like officers the flying squadrons of a routed army; but in vain; the panic had been so great, that every one was willing to make the best of his way, from the scene of action.

The Clergyman himself, was not a little terrified, thinking that, contrary to expectation, the devil had come among them; and though he himself had seen nothing of him with the naked eye, yet that he had been visible to the congregation. Accordingly he had made his escape at an early period of the flight, and was on a hill, apart in the rear of the church, at prayers; with his eyes open; not shut, as was his custom, for on this occasion, he had thought it advisable to have a look out, not knowing what might heave in sight before he had concluded.

The clerk being a lame man, had sat still in the desk, and given out a Psalm, so that of the whole, he was the only one who could be said to remain at his post.

The bog-trotter was under a more unfortunate mistake; for he took it for granted, from the words of the clergyman which he had heard, and from the alarm of the people, that he had in reality undergone a change, and had become a devil. His endeavour, therefore was to fly from himself: like one whose clothes are on fire.—His howling and shouting, like that of a beaten dog, increased the disturbance, and his own perturbation. He was a mile from the village before he ventured to look back; and even then he did not stop, but continued his route to a greater distance in the country; at the same time not convinced fully of his metamorphose; for, putting his hand on his head, he could feel no horn, nor a tail behind his back, though he endeavoured to catch at this also. Hence it was, that he thought it proper to extricate himself, and ascertain at his leisure, the real state of the case, as to his being what he was, and the idiosincracy of his existence.

Certain it is the bog-trotter had no great intrinsic value in the qualities of his head, or heart; nevertheless, from habit or some other principle, the Captain had conceived some attachment to him; and was uneasy at his disappearing, especially under the late circumstances; not knowing what might befal him from a mistake of characters. In the present state of the public mind, with regard to the judiciary, it might happen to him to be viewed again under that aspect, and be laid hold upon as before, and put in fear of his life. Nor was it a thing morally certain that he might not become a trespasser himself, if not upon the persons, at least upon the property of men. The want of food might tempt him to rob hen-roosts, or break spring-houses, which are used as dairies, or to keep meats fresh, in the summer season.—On these grounds, he thought it both for the public good, and that of the individual, to endeavour to reclaim, and bring him back. As to the idea of his turning hermit, which some thought probable, it never came into the head of the Captain. For though he knew that disappointments in love or in ambition, have oftentimes made hermits, yet this must have taken place in the case of persons of greater sensibility than had ever been discovered in the bog-trotter. Misanthrophy is sometimes the natural characteristic of the mind; but more generally the offspring of extreme benevolence, hurt by ingratitude. Hence it ought to be inculcated to indulge even benevolence, with moderation; and to be careful against sanguine expectations of gratitude, from those served. "Be not weary in well doing" to others, even though a correspondent mind in those served, does not always show itself. But for the sake of self-preservation, it is unsafe to count too much upon the fruit which good acts may produce. The seed do not always fall upon good soil, and the seasons may blight the crop. But the anchorite is not usually made of such as Teague O'Regan, who had rather be among men getting flesh and fowl to eat, than living on vegetables in the woods, and drinking the element of water from the pure rock; or to trace the matter somewhat farther back, as we have already hinted, where the natural mind does not find its enjoyments, in the association of the happiness of others with its own.

The whole village appeared to take an interest in the uneasiness of the Captain, from the loss of his servant.—The young man who had set up the pole-cat to counteract the paper of Porcupine, had gone out in quest of him, and from his knowledge of the woods, looking for cats, could more readily than others, go to such recesses, or point out such caverns, as might be expected to receive him.

The blind Lawyer and fiddler had paid the Captain a visit, to console him, the one with his violin; the other with his conversation. The blind lawyer made light of the matter, and thought that taking to his trotters, was the best thing that Teague O'Regan could have done; and that the leaving the village, for a time, though operating in the nature of exile, yet carried nothing more with it, than had happened in the case of Aristides among the Greeks, or Marcellus among the Romans; and illustrious characters of all countries, who, avoiding envy or yielding to unjust prosecution, had been under the necessity of abandoning their country for a period. Some indeed had spent the remainder of their lives in foreign countries; and were buried by people, who formed a juster estimate of their merits, than their ungrateful countrymen, whose happiness had been advanced by their wise counsels, or heroic actions. But that in the case of the bog-trotter, there was great reason to believe, not only that he would be well received by the neighbouring states; but that in due time he would be recalled to the bosom of his country with feelings of a contrary nature; but in proportion to the ignominy of his exit.

The Captain felt a degree of consolation from the observations; but at the same time, could not avoid expressing his regret that he had not favoured the ragamuffin, throughout, in his pretentions to become an editor of a gazette; and the proposition of the citizens, to put him at the head of a paper; for though it might have subjected him to a kick, or a cuff now and then, for a blackguard paragraph, yet he would have avoided the danger of being taken, as had been the case, for a judge, or a devil.

But, said the blind Lawyer, as you intended it for the best, though it has turned out otherwise; yet there is no reason, why

you should blame yourself: or that others should find fault. Time and chance happeneth to all men. In the capacity of editor, he would have been subject to indictments for libels, to which a want of an accurate knowledge of law in matters of written slander, might have rendered him liable. He had some legal knowledge, I presume; having studied, not at the temple, but in this country, perhaps with more advantage; for I believe it is pretty well understood, that temple study is not of much account.

He understands about as much law, as my horse, said the Captain; for which reason it was the greater burlesque to talk of making him a judge. Unless indeed all legal knowledge, should be put down, and men should determine by their own arbitrary notions of right and wrong, independent of rules, and principles.

As to the making him a judge, said the Lawyer, I do not take it there was ever any thing serious in it; and even as to the present obloquy against the law, I am disposed to think the current has in a great degree spent itself. Accusation and condemnation are not the same thing. It is no new thing to see accusation and condemnation mean the same, under an arbitrary government.—Indeed in a government of laws, we have seen the power of aristocracy, the influence of wealth and office, exerting itself, and sometimes succeeding in running down the accused; so that while they enjoyed the name, they were deprived of the substance of trial. Even in a democracy, not in name only, but in fact, ambitious men have misled, and pretending the public good, have had in view, their own purposes. But in the free and equal representation of a larger borough, and before a deliberate tribunal, it is contrary to moral probability that accusation and condemnation, will come to be considered as the same thing. Adversaries may pretend this; and in order to bring a slur upon a republican administration, *may even wish it.* But it is not in the common course of things that it should be the case.

I do not know, said the Captain; I have not read a great deal of history, ancient or modern, to be able to take a view of the judicial proceedings in the case of public men in republi-

can governments; but there is a difference in this borough, from the ancient republics, in the matter of *representation*. In the forum of Rome, the people themselves assembled; and heard the cause.—They had not to look over the shoulder to see how the constituent, who was not within hearing, stood affected; or to reflect in their own minds, how an acquittal would be taken by the voters, who had prejudiced the case, and had said, *the officer must be brought down*. Do you think Sylla, on his abdication, would have offered to submit the necessity of his proscriptions, to the people *in a representative capacity?*

And yet, said the lawyer, the chances for justice would seem to be in favour of a body removed from the multitude, and approaching more to a *select tribunal*. But the fact is, there is no perfection in any human institution. It is "the Judge only of all the earth," that can at all times do right.

It is a great thing to have no private views, and to have *conscience*; so that no enmity can warp, or dislike mislead. *Understanding* also, is requisite to confine the consideration to the charge, laying out of the view collateral suggestions. For if Cinna has not conspired, he ought not to be "*torn for his bad verses*."

But if justice cannot find *a certain residence in a democratic government; she must leave the earth*. I despair of finding it any where else. But I have felt *tyranny*, or have thought that I have felt it, even in the courts of justice. I had thought that I had felt it, and left a certain bar prematurely on that account: so that I am not one of those who lean against *the investigation of judicial conduct*. It is my object only to assist the democracy, with general observations; and by the democracy, I mean not so much the tribunals that are to judge, *as the people that delegate the judgment*.

It will be a great matter, that the judgment given, be able to stand the examination of law and reason, abroad and at home. High cases will come down to posterity, and fix the character of the administration. Liberty will be affected as posterity will approve or reverse the judgment. That is a high and transcendent court, with whom it lies to *judge judges*; and lessons

of high honour and discernment from that court, will have an effect upon the streams of justice to the remotest fountains. If the *understanding* of such paramount tribunals, appear not beyond *suspicion*, from the decision given, it will be a great hurt. *The really guilty may afterwards escape from an odium brought upon the prosecution.*

An accusation will be less readily sustained, when *accusation* and *condemnation*, should ever that happen, comes to be considered as the *same thing*.

CHAPTER XV.

NOTHING had been yet heard from the polecat man, who had gone in quest of the bog-trotter; nor from any other quarter, could the Captain learn the place of his banishment. Had he known where to find him, he could have sent him some books to read, suited to his present situation, and his state of mind. Bolingbroke on exile; Boethius, his consolation of philosophy; these, though he could not read himself, he could get others to read to him; unless indeed he should have happened to have fallen into a very illiterate part of the country, or where the German only was spoken, and so these books which are written in English, could not be read; the last was written in Latin, but translated into English. Not having books to read, he would have to amuse himself with nine-mens-morrice, or cross-the-crown, in the sand, or upon chalked boards. Perhaps this might answer the purpose as well to an uncultivated mind, as dissertations of wisdom in manuscript, or print. Business is perhaps the best assuager of melancholy; but the indolence of the Ourang-Outang, as he may be called, speaking characteristically, would hinder him from using this means of cheating his imagination. Laziness was his fort; and there was reason to believe, that he knew it, and would stick to it.

The Captain, however, was not unattentive in his inquiries in the mean time, and hearing of a conjurer that had come to town, not having much faith in his art, but in compliance with the wishes of some who suggested it, he thought proper to consult this wise man, and gain from him such discoveries as he might think proper to communicate. Not that he imagined Teague had got among the stars, and taken his station with the crab, or the lion. But this conjurer, having more to do with bringing back stolen horses, or lost goods, than casting nativities, it might fall in his way, to ascertain the track of the bog-trotter.

The fact was, that O'Regan had been met with by the conjurer on his way to the village, and had been taken into his service as one that seemed to answer his purpose for an under-strapper, having some knowledge of the town, and capable of acting the part of an under devil, whom he might occasionally raise, and interrogate upon the state of affairs at home, or abroad. The hair that had been intended for the devil's tail, sufficed now; for Teague pointed it out the evening they came to the village; and the horns were at hand, which had been provided for a former service.

In the capacity of assistant conjurer, O'Regan played his part in the commencement, well; and the ladies coming to consult, had some things told them that had happened; a circumstance that gave them full confidence in the information given with regard to things to come. It was this that had raised the credit of the conjurer, and made his art the subject of general conversation. For the tongue of a woman is an excellent promulgator in all that relates to secrets.

There was a widow lady of great fortune, that wished to see her second husband. The visage of the Captain, just coming in was reflected from the mirror, and she saw him.

My dear husband, said she, it must, it will be so. If the stars have ordained it, there is no getting over it. I shall be happy how soon it can be brought about. Can you tell conjurer, how long it will be before the knot is tied? How valuable an art it is that can so easily relieve doubts. By this time she had the

Captain round the neck, and kissing him, without regard to the company.

The Captain, from natural delicacy or a good education, was unwilling to repel the caresses of a lady; at the same time, thought he could not in honour take advantage of the mistake, under which she appeared to labour; but on the contrary, explained to her on the principles of optics, the manner in which his physiognomy had been reflected from the lense, and that it would require another experiment to ascertain the real husband, which the stars intended.

The conjurer admitted that his glass had not yet been applied to discover invisibles; that in fact, he had been only bringing it to bear, when the face of the Captain intercepted the vision.

The lady was satisfied, and disposed to reconcile herself to the real designation of celestial powers, conceiving it in vain to struggle with destiny; and therefore desired the conjurer to lose no time, but to manifest to her the real object of her hopes.

Applying her eye to the glass, she saw a face that she did not greatly dislike; for it had the appearance of freshness and contentment; but she saw *horns*. Horns! said she. What can this mean?

Mean, said the Captain; every one knows the meaning of the emblem. Antlers is a common place figure for cuckoldom; and that would seem to have been the case with the poor man, in his former wife's time.

The lady was glad to find the allusion had passed ascant from herself as indeed it could not be well made to her, not being yet married to the gentleman.

In fact it was the bog-trotter, who instead of raising a picture in the camera obscura, had thrust his own head into the box; and having just before affixed his tail, and put on his horns, the last were visible *in that quarter*, when he presented his physiognomy through the magic lantern of the conjurer. His curiosity to see the lady, had led him to do this; and expecting that the conversation, before the scenes, would have lasted longer, before she began to look, he was surprised, and had not withdrawn his head.

The lady reqested the conjurer to inform her, what length of time her future spouse, would be in coming down from the constellations.

It is not in our power to determine the orbits of fortune, said the conjurer, but simply the phases of the planetary changes.

I should like your faces better, said the lady, if you would bring them down without horns.

This face that the stars have shown, said the conjurer, is in the crescent; but if you come a day or two hence, he may be at the full, and without horns.

In the crescent, or at the full, said the lady, let us have him soon, since it is what I am to have. So saying, she withdrew.

The Captain stepped up to put his question relative to the bog-trotter; and explaining at full length the circumstance of his absconding, wished to know the place of his seclusion, and the means of his reception.

He is in my service, said the conjurer, acting the part of the devil, and is the very figure with the horns, which the lady that just now left us, has mistaken for her future husband; at the same time explained to the Captain, the circumstances under which he found the vagrant, and the manner in which he had accoutred him for the part he had to act; and also how it came to pass that he had got his head into the box, and shown his horns, which had given umbrage to the lady. He gave him also to understand, that he had found him a tolerably expert devil, that he carried his horns and his tail well; that he had raised him frequently, in the capacity of devil, since he came to town, and was to raise him that evening to some young men who had appointed to consult him on love matters; that if the Captain would wait, he might see him play his part, and judge of his dexterity in his new office.

As when in an epilepsy, the eye is fixed in the head, and presents a motionless stare, so looked the Captains' at this crisis. He was astonished at the deception of the fortune teller, and the vagaries of his waiter; this last adventure had exceeded all the rest. He could not avoid expressing his disapprobation of the foul play which had been shown the lady; and the fraud which had been put upon her, showing his bog-trotter for a

person designated by the heavenly bodies, to be her partner in matrimony; and still more the iniquity of inveigling an ignorant creature, to take upon him the character of devil; a masque which he had been endeavouring to avoid, even at the risk of leaving the village; but what especially gave him pain, was the immorality of the occupation into which he had been led, picking peoples' pockets under a pretext of discovering things unknown, while in reality, the whole was an imposition. It was of lighter consideration that he had degraded himself, and objects of ambition.

However, as the conjurer had him in his service, and some claim upon him, probably to fulfil his engagement, for the season, what could he say, or do? Contracts must be complied with; unless indeed, the unlawfulness of the service, might relieve from the condition. For this, it would be necessary to consult the blind lawyer; and for which purpose, he took his leave, and withdrew.

The blind lawyer was of opinion no prior contract with the subordinate existing, having been but a servant at will, no habeas corpus or other legal process could lie on the part of the Captain, to take him out of the hands of the conjurer; and as to the unlawfulness of the service, that must be a plea in the bog-trotter's own mouth, and not in that of another for him. Doubtless it was a fraud upon the public; but the people themselves became a party, by consulting the wizard, and no action would lie to recover money back so thrown away. For potior est conditio possidentis. But in foro conscientiæ, it might be a question whether it was a wrong to trick people that were willing to be tricked. Si populus vult decipi, decipiatur.

The Captain thought it an immorality, to take such advantage of the credulity of the young, and the ignorant; or even of old fools; for truth, sincerity, and plain dealing, was the basis of morality.

A quid pro quo, in all contracts, said the Lawyer, is doubtless necessary. There must be a consideration—But it is not necessary that this be a substantial equivalent. One promise may be the consideration of another. Amusement is a consid-

eration of a great part of our stipulations. Can any thing amuse more than fair hopes?

The pleasure is as great,
Of being cheated, as to cheat.

I am not able to argue with a Lawyer, said the Captain, especially on principles of law; but this much I know, that the conjurer engages to perform what he cannot do, that is, to tell fortunes, and therefore deceives. Hence he is what I call a rogue. Now that my bog-trotter, low as he is, should be an apprentice to a rogue, or worse, an assistant and partner in iniquity, is a reflection upon me, who have brought him here; and independent of this, there is a degradation of turning devil. A printer's devil, we all know, means the lad that cleans types or puts on the black-ball; but this is a different sort of personage, and actually wears horns, and is in the semblance of Belzebub, or at least in that representation of him, which the painters give.

As to the degradation, said the blind Lawyer, that is matter of opinion. If we recur to popular language, and take our ideas of an honourable calling from common parlance, we shall find nothing of higher estimation in grade of profession, than that of the conjurer; we say of a physician, he is no conjurer; of a lawyer, he is no conjurer; and so on of other occupations, meaning that however eminent any one may be, still he falls behind the conjurer. But in a republican government, the trade or employment of a man is but little considered. The great matter is the profits of it. Does it make the pot boil? If the bog-trotter finds his account in the service and makes money, the world will wink at the means.

To act the part of a devil may be sinful, as a divine would say, but as to honour, I do not know it to be any impeachment to be a devil. The greater the devil the better the fellow. It is a cause of a challenge to call a man a knave; but not to say he is a devil.

The Captain discovered that the lawyer was disposed to be playful, and not serious; and dropped the conversation; still hurt in his mind at the catastrophe of his subordinate itinerant,

who had been on the pinnacle of fortune, in point of expectation, having fallen so low, and gone so far astray in his pursuits. But a change was given to his meditations, when, in the mean time, the bog-trotter appeared, without tail or horns, or a whole shirt upon his back. He had lost all these in a scuffle with the conjurer, about the division of the profits. A misunderstanding had also taken place on the subject of alternating offices, the deputy insisting that he should change places occasionally with the master, who should act the devil in his turn. This the principal refused to do, and hence the disagreement, which had come to blows, was the cause of a separation.

CHAPTER XVI.

POPULAR obloquy and reproach, had fallen upon the Captain, in consequence of his waiter having been with the conjurer, and acting in the capacity of devil.—Though, by the bye, it was the people themselves that had brought the thing about by masking him with tail and horns. So inconsistent is the multitude, that they blame to-day what they themselves had caused yesterday. The Captain being hurt at this, and willing to clear off reflections, for the future, determined to deliver up the bog-trotter to themselves, to make of him what they thought proper. Accordingly having called a town meeting, and bidding Teague follow him, and addressing more particularly, the officers of the incorporation, he spoke as follows:

Fellow citizens, said he, here is that young man, whom you have made a devil of in this town; for it was you that made him a devil, and yet you blame me, as accessary to the wickedness; or rather, the principal in the act. Now here he is, stripped of his tail and horns; and, I will not say, like the sun, "shorn of his beams," for that would be too elevated a simile; nor like Sampson, "shorn of his hair;" for that would be also

pompous. But I will say, like yourselves, without superfluous incumbrance. Take him therefore into your custody, and under your protection, and hew him into whatever shape you may chuse; fashion him as you please. Make him the editor of a newspaper, or transform him even to a judge of your courts. I shall not stand in the way of his promotion, or of your will any longer.

It was evident that the first impressions of the people, were favourable to the proposition; and that they took in good part, the condescension of the Captain to the public voice. But a factious man, in a leathern pair of breeches, who had never had an opportunity before of making himself heard, rose to speak. Captain, said he, is it fair to attempt a burlesque on the democracy, by introducing your servant on the public mind, for a post of profit, or of honour? It is true, the greater part of us, are but plain men, and illiterate, if you chuse to have it so; but yet it is to be hoped, we are not just so hard run for persons capable of civil employments among ourselves, as to be under the necessity of recurring to your bog-trotter.

Heaven! said the Captain, roused a little in his mind, for he was not apt to swear, has it not been yourselves, that have proposed the matter, and brought all the trouble on my head respecting it? I did, it is true, in the first instance, suggest the idea of putting him at the head of a paper; but it was without consideration; and I retracted it, both in my own judgment and in my words to you, immediately after. For though the press has been degraded, *by such as he is, in that capacity*, yet I was not willing to contribute to the like evil. The making him a judge came from yourselves; it was an idea that never started in my brains. It was your own burlesque, not mine.

Why should I undervalue democracy, or be thought to cast a slur upon it; I that am a democrat myself.—What proof have I given you of this; *my works show my faith*. It is true, I have not undervalued learning, or exclaimed against lawyers, or joined in the cry of down with the judges; but take the tenor of my life and conversation, since the foundation of the village. I was at the first settlement of it. Did I engross lots of ground? Has there been a necessity for an agrarian law in my case?

Have I speculated on the wants of men, by forestalling, or regrating? Have I *made haste to be rich?* That is, have I overstepped the common means of industry? Do I value myself on my fine clothing? Do I indulge in luxurious living? Is my hat off to a rich man, sooner than to the poor? Do I oppress the stranger, or rather do I not assist him, and invite him to our habitations? Who has heard me call out against foreigners; or fixing a prejudice against emigrants?

Captain, said an Irish gentleman coming forward, and beckoning with his hand, all dis dat you tell us, is very well. But is it a genteel ting, to trow a ridicule upon de whole Irish nation, by carrying about wid you, a bog-trotter, just as you would an alligator; or some wild cratur dat you had catched upon de mountains, to make your game of paple dat have de same brogue upon deir speech; and de same dialect upon deir tongues, as he has? By de holy faders, it is too much in a free country, not to be suffered——

Phelim, said another of the same nation, interrupting him, but a man of more sense and liberality, you are a fool, said he, Phelim; if you were my own born brother, I would say so. You are a fool; de Captain means to trow no ridicule upon de nation. Gentlemen of all countries laugh at deir own fools, and make jokes upon dem; not to show de follies of de nation, but of human nature. In Dublin, we have our jokes upon our Dermots and our Thadys, and de devil a duel about it; nor in dis country neider; wid men dat have travelled and can give a joke, and take one, just for the sake of peace and quietness, and good fellowship, and eating and drinking, which is much better dan breaking heads wid sticks, or shivering one anoder wid bits of iron dey call cutlashes; or snapping pistols for nodding at all, but de humour of de ting; when I can see no humor in it but folly, and nonsense: so hold your tongue, Phelim, and let de Captain spake; I like to hear him very well. You might as well take exceptions to Don Quixotte, because he had his Sancho, and would make him a governor; if dere was any ridicule in it, it is upon dese paple demselves, dat are so imposed upon, to make a bog-trotter a justice of de pace, or a judge; and not upon de nation of Ireland dat have men of sense, and

fools like oder nations. Commend me to de fun of de ting. I like de joke very well. De burlesque consists in comparing de high wid de low, and de low wid de high: and de dialogues, and spaches mark de characters. It is de high dat is ridiculed, and not de low; when you compare de low wid it. De books and travels will tache you dat, Phelim. Let de Captain spake widout interruptions; and tell his story. I like to hear de Captain spake very well.

Far be it from me, continued the Captain, to undervalue Ireland, or to mean disrespect to the nation, On the contrary it was from good will to the people that I have taken the notice of this young man that I have. Much less have I intended a reflection upon a democratic government, in the countenance I have given to the proposition of advancing him in grades and occupations. *Nor is it democracy, that I have meant to expose, or reprehend, in any thing that I have said, but the errors of it; those excesses which lead to its overthrow.* These excesses have shown themselves in all democratic governments; whence it is that a *simple* democracy has never been able to exist long. An experiment is now made in a new world, and upon better principles; that of *representation and a more perfect separation and near equipoise of the legislative, judicial, and executive powers.* But the balance of the powers, is not easily preserved.—*The natural tendency is to one scale.* The demagogue is the first great destroyer, of the constitution, by deceiving the people. He is an aristocrat, and seeks after more power than is just.—He will never rest short of despotic rule. Have I deceived the people? Why then am I suspected of a want of patriotism, and good will to the people? Why am I charged with ridicule at their expense, who wish nothing more than to inform their understanding, and regulate their conduct?

But is it not presumption in you, Captain, to undertake this, in any shape? said a man with a shrill voice. Is it not an insult upon the people, to suppose that they can err; or supposing it, that you can set them right?

It is too much to bear, said a third person, with a grey coat. I am for repressing all such presumption. It leads to aristocracy.

The blind lawyer got up to speak.

We will hear no lawyer, said a man with a long chin, and a pale visage.

It is the blind lawyer said a friend to the Captain.

Blind, or purblind, said the man with a pale visage, we shall hear no lawyer here. The Captain has bred a great deal of disturbance, since he returned to the village. He has opposed us in every thing that we proposed to do. No reform can be carried on, but he must have his objections and exceptions from the nature of government. Just as if the making or keeping up a government, was a thing of mixture and composition, like a doctor's drug. As if a man must learn it, as he would to make a watch or to keep it in repair like a clock. Can there be any thing more simple than *for the people just to govern themselves?* What needs all this talk of checks and balances? Why keep up laws and judges, at an expense, as if the people were not competent to give laws, and to judge for themselves?

Ye need na' mind the Captain, said Duncan, coming forward, having a regard for him, and seeing him in a delicate predicament, the anger of the people kindling: ye need na' mind the Captain, said he, *for he's no right in his head.* He has got some kink in his intellect, that gars him conceit strange things. I was his waiter twa or three months, and I found him a wee thing cracked; and ye canna weel but find it sae, when ye tak a look at his vagaries, and imaginations, Just let him go about his business, and mind your ain affairs. It wud be a shame to fa' out wi' a man *that's no right in his head.*

If that be the case, said a man with a brown wig, great, allowance ought to be made. None of ourselves can tell how long our natural reason may be continued to us. To be sure he talks like a man that is not just himself.—But we did not know that it might be a disguise to conceal his views; the masque of simplicity the better to introduce monarchy.

Gentlemen, said the Captain, there is now nothing more difficult for a man than to prove that he is not mad. For the very attempt to prove it, admits that it may be doubted; or at least that it is doubted. Besides I shall not contradict Duncan, who, I am persuaded, believes what he says. But since my services

amongst you at present, do not seem to be well received, though from my heart, well intended, I will leave you for a while, and call off the bog-trotter to another ramble. Considering it as a banishment in fact, though not in name; and adopting the language of some under like circumstances, I will wish, *that the village may never have occasion to remember me or my observations.*

CHAPTER XVII.

CONTAINING EXPLANATIONS.

IN my observations on *the license of the press*, in the early pages of this book, it may be seen that I have had in view *personal*, and not *political* stricture. The difference of these I cannot so well express as in the words of the greatest orator in the knowledge of history, *Curran of Ireland* I quote him to give myself an opportunity of saying how much I admire him. It is on *Finerty's* trial for a libel, that the following correct sentiments are beautifully expressed.

"Having stated to you gentlemen, the great and exclusive extent of your jurisdiction, I shall beg leave to suggest to you a distinction that will strike you at first sight; and that is the distinction between public animadversions upon the character of private individuals, and those which are written upon measures of government, and the persons who conduct them; the former may be called personal, and the latter political publications. No two things can be more different in their nature, nor, in the point of view in which they are to be looked on by a jury The criminality of a merely personal libel, consists in this, that it tends to a breach of the peace; it tends to all the vindictive paroxisms of exasperated vanity; or to the deeper, and more deadly vengeance of irritated pride.—The truth is, few men see at once that they cannot be hurt so much as they think by the battery of a newspaper. They do not reflect, that every

character has a natural station, from which it cannot be effectually degraded, and beyond which it cannot be raised by the bawling of a news-hawker. If it is wantonly aspersed, it is but for a season, and that a short one, WHEN IT EMERGES LIKE THE MOON FROM BEHIND A PASSING CLOUD TO ITS ORIGINAL BRIGHTNESS. It is right, however, that the law, and that you, should hold the strictest hand over this kind of public animadversion that forces humility and innocence from their retreat into the glare of public view. That wounds and sacrifices, that destroys the cordiality and peace of domestic life; and, that, without eradicating a single vice or a single folly, plants a thousand thorns in the human heart."

It will not give universal satisfaction to have introduced the name of Porcupine, or Calender. For though no man can respect these characters; yet, consciousness of having once favoured them from other motives, will touch the self-love of some; as it will be said the one is dead, and the other run away, and it was not worth while, or perhaps liberal, to make use of their names even in a dramatic way, or as a character in a fable. As to Porcupine, it was said at the time, that though occasionally coarse in his language, and gross in his reflections, yet such a spirit and style of writing, was necessary to counteract the excess of democratic principles; that in fact, it did good. I doubt upon that head; or rather to the best of my judgment, it did harm to the cause which it was thought to serve. Indignation is insensibly transferred from the advocate to the cause.

It has been said, in the british Parliament, that "He deserved a statue of gold for his services rendered here." This is a great mistake. He did injury to the character of British manners and liberality. It produced something like a personal resentment against the whole nation whence such a writer came.

An intemperate partizan in public or in private life, can never serve any cause.

But it was not with a view to pourtray this spectre of scurrility that the name is introduced; but because it suited to the counterpart, Polecat. I had thought of Panther; but Porcupine could be drawn from real life, and was at hand.

I will not say that before Porcupine came, and since, there has not been a portion of scurrility in some gazettes, *unworthy of the press*. There has been too much; but I believe the example and the fate of this monster, and his successor Calender, has greatly contributed to reform the abuse. It is a check upon an editor to be threatened, not with a prosecution, but to be called *a Porcupine, or a Calender*.

It will be natural for a reader to apply in his own mind, the history of the village and its agitations, to the state where we live; and it will be asked, what ground is there for the idea, that here we talk of pulling down churches; or burning colleges? There is no ground, so far as respects churches; but it is introduced by way of illustration. What if any one should say, let us have no books, and no doctrines, but the ten commandments, the Lord's prayer, and the apostle's creed? Give us the gospel in a narrow compass, and have no more preaching about it. This would be no more than is said of the law; why cannot we have it in a pocket book, and let every man be his own lawyer? our acts of assembly fill several folio volumes; and yet these are not the one thousandth part of our law Why not at least, put the acts of assembly in *a nut shell?* Ask our legislators. What else law have we but the acts of the legislative body? The law of nations forms a part of the *municipal law* of this state. This law is of great extent, and to be collected from many books. The common law, before the revolution, *made a part of our law*; and by an act of our legislature of the 28th January, 1777, it is recognized and established to be a part of our law, "*and such of the statute laws of England as have heretofore been in force.*" This law must be collected from commentaries and decisions. It is of an immense extent; because the relations of men, and the contracts of parties, are

of an infinite variety. But how is Turkey governed? Do the mufti require such a multiplicity of rules? No, nor the cadi in Persia; because "having no law, they are a law unto themselves." There is no jury there. It must be a profession, a business of study to understand our law; we cannot therefore burn the books of law, or court-houses, any more than we can dispense with sermons and commentaries on the bible; or pull down religious edifices.

I will not say, that people talk of burning colleges; but they do not talk much of building them up. The constitution provides, Article 7. "That the legislature shall as soon as conveniently may be, provide by law for the establishment of schools throughout the state, in such manner that the poor may be taught gratis."

Sec. 11. "The arts and sciences shall be promoted in one or more seminaries of learning." We do not hear of much exertion on this head; either in the legislative body, or out of doors. But what is more exceptionable; or at least unfortunate, in the opinion of literary men, and perhaps in the opinion of some that have the misfortune not to be learned, is that learning does not seem to be in repute universally. The surest means in some places, as is said, to make your way to a public function, is to declaim against learning. It would be a libel on the body politic, if a state could be the subject of a libel, to say, or to insinuate, that this is general. *But it is heard in some places.* I do not know that it is carried so far that a candidate for an office will affect not to be able to write, but make his mark; but it is not far from it; for he will take care to have it known, that he is no scholar; that he has had no dealings with the devil in this way; that he has kept himself all his life, thank God, free from the black art of letters; that he has nothing but the plain light of nature to go by, and therefore cannot be a rogue; that as for learned men that have sold themselves to the devil, they may go to their purchaser; he will have nothing to do with old nick or his agents. This is not just the language used; but it is the spirit of it. It may be a caricature, as we distort features to mark deformity more deformed. But the picture is not without some original of this drawing. To speak figura-

tively, as we say of fevers, it may be in low grounds, and about marshes, that we have the indisposition; that is, *in the secluded parts of the country.* But so it is, that it does exist.

It is true, the savages of our frontier country, and elsewhere, dispense with the use of letters; and at a treaty, Canajohalas and other chiefs make their marks. They are able counsellors, and bloody warriors, notwithstanding. The Little Turtle defeated general St. Clair, who is a man of genius, and literary education; and yet the little Turtle can neither read nor write, any more than a wild turkey, or a water tarapin. But let it be considered, that the deliberations of the council-house, at the Miami towns, embrace but simple objects; and a man may throw a tomahawk, that holds a pen, but very awkwardly So that there is nothing to be inferred from this, candidly speaking. I grant, that Charlemagne made his mark, by dipping his hand in ink, and placing it upon the parchment. It was his hand, no doubt; but it must have taken up a large portion of the vellum; and it would have saved expense, if he could have signed himself, in a smaller character. But what may pass in an illiterate age, with an emperor, will not be so well received in a more enlightened period, and in the case of a common person.

It is not the want of learning that I consider as a defect; but *the contempt of it. A man of strong mind may do without it;* but he ought not to undervalue the assistance of it, in those who have but moderate parts to depend upon. It is a bad lesson to young people; who had better take a lesson from their books. At any rate, it is good to have the thing mixed; here a scholar and there an illiterate person; that the honesty of the one may correct the craft of the other

How comes it that a lawyer, in this state, seems to be considered as a limb of Satan? There is a great prejudice against them. It would seem to me that it is carried to an extreme. An advertisement appeared some years ago in a Philadelphia newspaper of a ship just arrived with indented servants; tradesmen of all descriptions; carpenters, joiners, and *sawyers.* The error of the press had made it *lawyers.* It gave a general

alarm, for the people thought we had enough of them in this country already.

But if we have lawyers at all, it is certainly an advantage to have them well educated. Were it for nothing else but the credit of the thing, I should like to see an enlightened and liberal bar in a country. It is thought that learning makes them make long speeches. If that should be made appear, I bar learning; for I like brevity: with Shakespeare, I think it "the soul of wit."

I attribute the making *long speeches*, to the taking *long notes*. When every thing is taken down, every thing must be answered, though it is not worth the answering. This draws replies long into the night; and we labour under the disadvantage of not having woolsacks to sleep upon as they have in England, while the counsel are fatiguing themselves; or at least the juries.

The prejudice against lawyers stands upon the ground with the prejudice against learning. *The majority are not lawyers, or learned men.* A justice of the peace is a deadly foe to a lawyer; for what the one loses the other gets. The chancery jurisdiction of a justice is hewn out of the jurisdiction of the courts of law, and abridges the province of the lawyer. It is well if it does not edge out the trial by jury. How? This mode of trial is retained by the courts of law. But who are at the bottom of this hostility to the courts of law? I will not say the *holy army* of justices; though some may break a spear at it. I believe there are of them, that think their jurisdiction is sufficiently encreased; *but there are others who would not object to a little more.*

In China there are no courts of law or lawyers; all justices of the peace. They call them *Mandarins.* In capital cases, there is an apeal to the emperor. *There is no jury trial there.*

A limb of the law, is a good name for a lawyer; for we say a limb of Satan; and a lawyer in a *free couniry* is the next thing to it: a thorn in the flesh to buffet the people. There is freedom enough in the constitution; why need we be afraid of aristocracy in practice? Every man is brought up to the bull ring in a court of law, be he rich or poor; but the scheriff, in Arabia,

who is a justice of the peace, not like our sheriff here, though it is spelt the same nearly, can *summon no jury;* at least he takes care not to do it. But the governments of those countries, are arbitrary, not free. It is an astonishing thing to me, that a *free government, and the exclusion of lawyers, cannot well be reconciled.*

How can the overthrow of a judiciary tribunal, affect *liberty?* No otherwise than as it militates against a branch of the government. Take away a branch from a tree, and the shade is reduced. What is a branch that is borne down by the rest? But suppose the judiciary branch goes; the legislative and executive remain —There are two sprigs to the legislative branch. Which is strongest? That of the *house of representatives.* Is there no danger of this out-growing the other two?—There is half a sprig in the executive. But the great sprig of the house of representatives is "the rod of Aaron that will swallow up the other rods." There is a talk now of abolishing the senate. That will be talked of, unless it becomes an *enregistering office.* It is hoped that will never be. In this I allude not to any disposition that has yet shown itself in the house of representatives; but to what I have heard broached out of doors.

Despotism is not a self-born thing. It has its origin in *first causes.* These not perceptible, like the gas that produces the yellow fever. Why call out against the fever? It is the gas that is the cause. Whence sprung the emperor that now *affects the French?* From the *mountain* of the national assembly It is the madness of the people that makes emperors. They are not always aware when they are planting *serpents teeth.* Reflecting men saw the emperor, in the insurrections of Paris; in the revolutionary tribunals; in the denominacy of the clubs; in the deportations to Cayenne. Whether it springs from the seed or grows from the plant; is oviparous, or viviparous, *despotism is not of a day;* it is of gradual increase. Will not the people give him credit that can point out to men, *where a germ of it exists.*

In what is hinted at, in several pages of the preceding chapters, of hostility to laws and a disposition to overthrow establishments, and judges, I have in view, not the proceedings of a public body, but the prejudices of the people. It is talk out of doors that I respect. And this is the fountain which is to be corrected. Representatives must yield to the prejudices of their constituents even contrary to their own judgment. It is therefore into this pool *that I cast my salt. It is to correct these waters that I write this book.* I have been in the legislature myself, and I know how a member must yield to clamours at home. For it comes within the spirit of the principle, *to obey instructions.*

In the song which I have put into the mouth of O'Dell, I have nothing else in view but to give a picture of the excess of the spirit of reform. It is taken from the life; for though not in verse, yet I have heard similar sentiments expressed by the *uninformed.*

The talk of *abolishing* the courts, and the judges, is a language which I put into the mouth of Tom the Tinker; yet is more general than is imagined. I am afraid it may affect ultimately the democratic interest; to which I feel myself attached; for I aver myself to be a democrat. No Perkin Warbeck or Lambert Simnel; but a genuine Plantagenet. Hence my concern for their honour and existence, which can alone be supported by their wisdom and their justice.

Judges are impeached, and violent persons will have them broke before they are tried. But accusation and condemnation are not the same thing. It is not on every bill that is found by a grand jury that there is not a defence.

There is nothing to be collected from any hints of mine that I arraign the justice or policy of the impeachment; much less that, I wished to see it quashed, or withdrawn. I have it only

in view to arraign preconceived opinions, and *the forestalling the public judgment*.

Sublime is that tribunal that is to *judge judges*. The highest judicature of the body politic. It presents an awful, but majestic spectacle. Our senators, in this capacity, are the representatives of heaven. I see them seated on a mount "fast by God;" the stream of justice issuing at their right hand; full and equal in its current; crystal in its fountains, and giving vegetation to the groves and gardens on its borders: the stream of injustice at their left, bursting like a torrent of inflamed naptha, scorching and consuming all before it.

It lies with this sublime court to give its lessons of impartial justice to the subordinate judiciaries. I rejoice in this power of the constitution. I shall submit to its decisions.

CONCLUSION OF THESE CHAPTERS.

IT occurs to me, that I shall have all the lawyers on my back; because I have said to them, as was said to the Pharisees, "Use not vain repititions as the heathens do: for they think they shall be heard for their much speaking." By the bye the heathen with us, that is, the Savages of North America, are not long speakers. They call it a talk, it is true; but it is raised above a common conversation. And they are not tedious speakers: short, clear, and pithy, are the characteristics of their eloquence.

The heathen—are the Gentile nations here meant, that bordered on Judea? or does it refer to redundance of the Greek and roman eloquence. The *loquacious Greek* was proverbial. When a language becomes copious, the speakers become verbose.

But the lawyers will say, "how can we help it? The client will have talk for his money. He purchases his plantation by the acre; he sells his wheat by the bushel; or, if a shopkeeper

in the city, he measures tape by the yard. Omina deus dedit, says the Latin scholar, Numero, mensura, et pondere. He will have quantity, let what will go with the quality. For of that he is not a judge.

I admit it is difficult to get a man to understand that the cause is oftentimes won, with judgment and silence, like the game of chess. All depends upon the move. A client will say you ought to refund me something; or take less than I promised. You had no trouble. Or he will go away, and say, lawyer M'Gonnicle took twenty dollars from me, and did not say a word.

He was six hours on his feet, says a man coming from the court. This sounds well, and it looks as if the man was a great lawyer. So that self-preservation is at the bottom of long speaking. Or, it is in accommodation to false opinion.

I admit some in all this. An advocate will occasionally find himself under the necessity of saying more than is necessary, in order to save appearances, and to satisfy his client who is not like the court and jury, weary of the harangue.

But this is not the great cause of proxility. It has a deeper root; it is a false style of eloquence that has been introduced, and is become fashionable. I have asked chief justice Shippen, if he could trace, the origin and progress of it. It is imported, or of domestic origin? He thinks it was introduced by John Dickinson, who was an agreeable, but a lengthy speaker. At nisi prius; or at bar in England, there was no such thing. But whether there is or not; is of no account. The thing ought not to be. Because it will lead to the loss of the *jury trial*.

A lawyer must say every thing that his ingenuity can suggest on the subject. The strongest reasons are not sufficient; he must bring up the weaker. After throwing bombs, he must cast jackstones.

There is more sense in the common mind than is imagined; and close thought in strong words will be understood, and a few will suffice.

The bar of this state is said to excel in legal knowledge; but certainly is behind none in liberality of practice; and delicacy

in argument. In practice, no catches, or as the common people call it, snap judgments; lying in wait at the docket; making surreptitious entries, and giving trouble to get slips set right. This the meanest lawyer can do. A rat can gnaw a bowstring of Philoctetes. The drawback in the opinion of foreigners, and the feelings of the people here, is the length of speeches.

I will not say that hence arises wholly the prejudice against lawyers. A prejudice against the liberal professions, exists in all countries; or they are made the subjects of invective from the occasional abuse of their privileges. "Woe unto you lawyers," is a scripture expression, and applies to the priests among the Jews who were the interpreters of the law of Moses. The physicians of all countries are said to kill people. And as to advocates they get no quarter in any country. Wits will exclaim even without ill will. Don Quevedo, a Spanish writer, in his vision of hell, tells us, that he observed a couple of men lying on their backs asleep in a corner, with the cobwebs grown across their mouths. He was told these were porters, and had been employed in carrying in lawyers, but there had been no occasion for their services, for a century past; these cattle had come so fast of themselves, that the carriers had laid themselves up, in the interval of business to take a nap there.

As to the length of speaking, how can it be helped in advocates? Not by any act of the legislature, constitutionally, *at least in criminal cases;* for it is provided by the constitution that in criminal cases, the party shall be heard by himself and his counsel. But this provision was not meant to exclude the right in civil cases, which existed at the common law; but because in capital cases, in the courts of criminal jurisdiction in England, counsel was not allowed to the accused, except on law points, arising on the trial. In civil cases the legislature may change the law or modify it; but I am not able to say, what regulation by an act of the legislature, might be expedient; or what practicable by the courts themselves. The safest and most easy remedy would be in the bar themselves; cultivating a style of eloquence of greater brevity, and endeavouring to be more laconic in their speeches.

They are not aware that this length of speaking has become unsufferable. That resentment against the bar on that account, has been accumulating, and is now ready to overwhelm their existence. It is a great cause of that obloquy against the proceedings of the courts of justice, which is heard in this state. Delay is the effect; and delay is an obstruction of justice.

But delay is the cause of loss to the lawyer. It is a vulgar idea, but founded in mistake, that lawyers delay causes for the sake of fees. It is their interest to have speedy trials, as much as with merchants to have quick returns. It is the interest of the advocates that I endeavour to promote, in suggesting a reform in the length of pleadings. I am endeavouring, in the scouted language of some reasoners, "to save the lawyers from themselves." It is on this principle that I attempt to school them a little on the point of oratory at the bar.

Some one will say, that I but affect to treat them thus cavalierly. That it is like the case of an Indian in a skirmish, of which I have heard, on the west of the Ohio, who on his party being defeated, pursued one of his own people, with his tomahawk lifted up, ready to strike, and was mistaken for a volunteer. In the heat of the affair seeing him alert, and pursuing, they thought the one before him was in good hands, and they let them both escape.

To apply the story. It may be thought that I affect to school the profession, to save it from arbitration laws, in the spirit of what has been called the *adjustment bill*. I am not one of those with whom it has been clear, that the adjustment bill passed into a law, would do any injury to lawyers. It might winnow off some of the chaff, but better corn would come to the mill. I have no idea that any thing can hurt the profession, but the overthrow of liberty. Counsel to advise, and an advocate to speak, will be always wanted where *the laws govern, and not men*. Rules of property and contract in civil cases, and the principles of law in matters of life, liberty, and reputation, will always call for the assistance of the head and power of speech, in a republic.

My concern in the case of innovations, doubtless meant for improvements, has been that the experiment would not show wisdom in the framers; but, on the contrary, discredit the administration by which they had been introduced; or, if tolerated, and approved, would lead to aristocracy, and despotism in the end. This by gradations insensible, as opiates unnerve the constitution. It would take a volume to trace gradatim, how, and why this would be brought about; and after all it may be a spectre of the imagination. Let the wise determine. Were I a practising lawyer, as probably I may soon be, I should apprehend little from it on the score of profit, and loss to the profession. My idea is, that eighteen months would put an end to it, and it would, by that time, have sowed a pretty fruitful field of controversy, that would last many years. As to the *constitution*, it seems to be in vain to talk to the people about it, *when it is in the way of what they wish, and must have.*

But hinting as has been done with regard to the exuberance of oratory at the bar, it is to be taken subject to the exception of cases which cannot be considered in a few words; either where the facts are complicated, and the evidence extensive; or where a point of law embraces an extensive scope of argument. The elucidation in some cases, must be drawn from the law of nature; the law of nations; the municipal law. Statutes, commentaries, and decisions must be examined at full length.

It is not half a day, or a day, that will suffice always, to do justice to a question, The court themselves will stand in need of the careful preparation, and the minute investigation of the counsel. The bringing forward lucidly, and arguing a matter well, is a great help to a court. It is doing for them, what they would have to do for themselves, without their assistance—The labour of the counsel is the ease of the court. Many a midnight thought is expended by the laborious lawyer, of which the court feels the benefit, in the light which he throws upon the subject of litigation. It is the

———Rudis indigestaque moles,

of the unprepared, that wastes the most time.

It is the highest effort of a strong mind to condense. Having

taken a comprehensive view of the whole horizon of the subject, the men of talents *collect the principles that govern and illustrate the case.* To state and press these, is the effort of the great orator. To reduce to generals, and bring forward the result.

But in order to speak short upon any subject——*think long.* Much reflection is the secret of all that is excelent in oratory. No man that speaks just enough, and no more, ever wearies those that hear him. And that is enough which exhausts the subject, before the patience of the auditory.

There is such a thing as alarming *the patience.* A speaker branhces out his subject. It is all proper that this should be done in his own mind. It is necessary that he should have a system of argument, and a certain order of arrangement. But I do not aprove of an examplanation of this. I remember the alarm which I have felt listening to a speaker in the pulpit, when he has spread out the table of his doctrine into heads and sections. When he had done with the first, that is well, thought I. But then, there is the second head; will he be as long upon that? Now if he had said, This point of doctrine arises from the text, I would have heard it out without fore-casting in my mind that the ulterior divisions were to come yet. It is not in the language of nature to have such compartments. It is well enough in a book of didactic dissertation. For there, one can lay down the volume, and amuse himself other, wise, when he is weary. The Indian in his talk has an order in his mind, and pursues it by the wampum belt, as the Catolic says his prayer by his beads. It is not the secret of persuasion, which does not steal upon the heart; and whatever the effect in matters of judgment, may be the annunciation of method; it is unfavourable to all that interests the heart, and governs the imagination. You will see no such thing in Demosthenes or Curran. Cicero has something of it, but I always thought it a blemish. Ars est celare artem.

There is no such thing in the works of nature. Artificial gardens sometimes present that view, but these are not in the best taste.

The hills and mountains, vales, and extensive plains are dis-

persed with a beautiful variety. The stars of the heavens are not at marked distances. There is a concealed regularity, order and proportion in all that affects. The mind remains cold where there is nothing that surprises and comes unexpectedly upon it.

BOOK II.

CHAPTER I.

CONTAINING A DISSERTATION IN THE MANNER OF St. EVREMONT.

THE ingratitude of a republic, has, some how, or other, come to be taken for a truth. It has come to be considered as admitted, that in a republic great services are forgotten, and there is not a permanence of reward corresponding with the acts done. Scipio amongst others, is given as an instance of this. I will examine the case of Scipio.

The first mention made of him by Livy, for I draw from authentic sources, is in his 26th book, where he states, that in that year, Publius Cornelius Scipio, to whom the cognomen of Africanus was given afterwards, was Curule Edile with Marcus Cornelius Cethegus, setting up for the office, the Edile-ship the tribunes of the people opposed him, denying that he had a right to be a candidate, that the legitimate age had not arrived at which he had a right to set up for this office. If said he, the quirites, the Roman people chuse to make me Edile, *I have years enough on my side*. This was appealing from established laws, to the people, who had the power to depart from the rules they themselves had laid down. It is true, he was carried, but such premature aspiring to the honour laid the foundation of much dislike in the breasts of his superiors in age, and whose pretensions were prior from standing, and services. It is unsafe to obtrude one's self upon the public, but rather to wait until called for. In the smallest occurrences of life a mind of sensibility, will feel the indelicacy of taking place or precedence to which it is not entitled A thinking mind not blinded by ambition, will see the imprudence of it. What is called politeness, learns to put on the appearance of this discretion; and when we are about to enter a room, it is but decency and good

manners to give way to age. In setting up for an office in a community, what difference? The principle lies deep in human nature, and is the same. It is felt by age as a wrong done, when juniors push themselves forward, and make their way before their time. Even those of equal age feel resentment, and hate the successful adventurer. If they cannot show it at the present moment, it will one day break out.

In offering himself as a general to carry on the war in Spain, there was less reason, or perhaps none at all to accuse Scipio of presumption in offering himself to succeed his father, who had fallen in that war, and in addition to this, his uncle had also fallen, which could not but stimulate him to revenge the death of these relations; and at the same time on account of the bloody nature of that war. There was no one offering himself for the service. To season my book with a little salt of Latin, I will give the words of Livy. "Cum alii alium nominaverunt, postremo eo decursum est, ut populus proconsuli creando in Hispaniam comitia haberet; diemque comitiis consules edixerunt. Primo expectaverant, ut qui se tanto imperio dignos crederent, nomina profiterentur. Quo ut destituta expectatio est, redintegratus luctus accepto cladis, desideriumque imperitorum amissorum. Mæsta igitur cærtas, prope inops consilii. Comitiorum die tamen in campum descendit, atque in magistratus versi circumspectant ora principum aliorum alios intuentium, fremuntque adeo perditas, desperatumque de respublica esse, ut nemo audeat in Haspaniam imperium accipere. Cum subito Publius Cornelius publii filius, quator ferme, et viginti annos natus, professus se petere in superiore, unde conspici posset, loco constitit."

I shall drop the Latin, lest I should be accused of pedantry in the language of persons who console themselves for their skim-surface learning, by imposing the term of pedantry on all quotations of the classics, in the original language; and for good reason, because they do not understand it. But in order to introduce the farther English, I translate some part of what has gone before. It is then to this effect.

"It was deliberated who they, (the Roman people) should chose to send as general to Spain. At first they waited until

those who should think themselves worthy of so great a command, should declare themselves; and no one coming forward on account of the bloody service, and the danger of the war, suddenly Publius Cornelius Scipio, the son of the Publius who had fallen in Spain, now near the age of 24 years, professed himself a candidate for that trust; standing on a higher ground from whence he could be seen, upon whom, when the eyes of all were turned, he was received with a shout and with favour; and a vote instantly taken, he was unanimously elected."

But, continues the historian, "Scipio was not only admirable for his real virtues, but (arte quoque quadam) of a certain cunning, or craft, from his early youth, fashioned to the ostentation of these virtues; alledging amongst the multitude, a number of things that he had seen in visions by night, or had been revealed to him from heaven, by impressions on his mind; whether it was that he himself had been affected with some degree of superstition, or that he feigned those things that his orders and counsels might be obeyed without delay, as being inspired and sent from an oracle. Moreover, from the very beginning, preparing the public mind from the time that he took up the Toga Virilis, no day passed that he undertook any public or private business, before he went into the capital, and entering into the temple, sat down, and for the most part alone in a secret place, there, wore out a length of time. This custom of his, which was preserved by him through his whole life, whether designedly or heedlessly, procured with some a faith in his being a man of a divine stock; and revived the report first published respecting Alexander the Great, for vanity and fable alike, that he had been conceived from the embrace of a huge serpent, and that an appearance of that prodigy had been of tenseen in his mother's chamber; and that at the approach of men. it had always coiled itself up and slipped away out of sight Credit to these miracles were never disclaimed by himself; but rather increased by a certain art of neither denying nor affirming any thing of this nature openly. Many other things of the same kind, some true, some pretended, exceeded the limit of human admiration in that young man; relying on which alone the state entrusted, such a weight of things and such a command, to so young a person."

We see in this portraiture of Scipio the exact prototype and counterpart of some candidates for offices amongst ourselves. There is the same hypocrisy, though in a different way accommodated to the religion of the times. There is said to be more of this in the northern states, because religion there, in Connecticut especially, called the land of steady habits, is more fashionable, and the government itself is, not in constitutional appearance, but de facto a hierarchy. They tell me that no man can be elected to an office there, without the previous approbation and favour of the priest hood. Not that I find fault with this, If I was always sure that good morals alone and sincere piety, and not compliments or gifts to the pastor, were the criterion of his predilection. In the western and southern states there is not so much to be gained by playing off the grimace of religious appearances ; yet in some places, there is still something of this procuration : and what generous mind is there that will not feel a diminution of respect for such as take these means to advance themselves ? What need we wonder, therefore if at a distant day, and after he had performed great services, we find a latent ill will break out against Scipio, which had been sown at this early period, by the indignation implanted in the breasts of competitors for fame and elevation ; nay, an indignation by the wise and good, at the arts by which the populace had been managed, for a private purpose and individual ambition ? Why need we wonder, if at an advanced age, even though a good use had been made of this ill-gotten power ; or power gotten by unfair and improper means, we should find charges against Scipio, and prosecutions founded, not in the truth of the accusations, but in the memory of the ways and means by which he had unduly acquired popularity, and the suffrages of the people.

After great success in Spain, and his return to Rome, the war being concluded, when, says the historian, men carried it in report, that extra sortem, or out of his lot, the province of Africa was destined for Scipio, and "*he, himself not content with moderate glory, said that he had been declared consul, not to carry on the war, but to finish it*, which could not be otherwise done than by transporting the army into Africa, and he openly said

that he would accomplish that by the *people*, in other words the *populace*, if the senate opposed it; and when that proposition was not pleasing to the primore of the fathers, and there were others who through fear or ambition were muttering; and Quintus Fabius, being asked his opinion, spoke upon the occasion."

I will not take the trouble of translating this speech. But, for the sake of those that cannot be supposed, to understand the learned languages, nor from whom such skill ought to be expected, ladies and gentlemen not bred to a profession, and farmers and mechanics, I will give the scope of it, viz. That he was opposed to the carrying the war into Africa. Scipio, on the other hand, spoke in favour of the measure, and supported his pretensions to the command. This speech was not favourably received; but it being pretty generally made known that if he could not carry his point with the senate, to have Africa decreed to him, he would instantly bring it before the people. Therefore Quintus Fulvius, who had been four times consul and censor, demanded of Scipio, that he would openly say in the senate whether he would leave it to the fathers to determine respecting the provinces, and would abide by their determination, or would carry it before the people. Scipio answered that he would do what was for the interest of the republic. Then said Fulvius, it was not because I did not know what you were about to answer, and what to do, that I asked you, when it was evident that it was your object rather to feel than to consult the senate; and if we did not immediately decree to you the province which you wished, you have your appeal at hand. Therefore I demand of you, tribunes of the people, continued he, that though I do not give my opinion, which notwithstanding it may be carried, the consul is not about to ratify, you will be my support. Thence a contention arose, when the consul (Scipio) denied that it was proper that the tribunes should interfere, but that every senator being asked his opinion, should give it in his place. The tribunes so decreed that if the consul leaves it to the senate to determine concerning the provinces, it is proper to stand to that which the senate has determined, nor will we suffer it to be brought before the people. But if he does not leave it to the senate, we shall sup

port him who shall refuse to give his opinion. Thus it was left by the tribunes to Scipio himself to say whether he would leave it to the senate. Scipio carried his point; but very far from being to the satisfaction of every one; not that they thought him unequal to thetrust, but that honours were heaped upon him with too great rapidity.

This war with the Carthagenians being finished, and a general about to be chosen for that against Antiochius, whom Hannibal had stirred up against the Romans, it was with great address and management that he procured to himself the command. In fact, he could not in name, as he was not then in the consulship, and so Asia could not be decreed to him as a province. Lucius Cornelius Scipio, his brother, was one of the two consuls at the time. Caius Lælius, was the other consul, and having great interest in the senate, wished it to be left to them to designate the provinces, saying it would be a genteeler thing (elegantius) to leave it to the senate, than to be drawing lots for the choice. Lucius Scipio, having got a hint from his brother, the great Scipio, agreed to it. It was to the no small astonishment of Lælius, who was sure of being appointed to Asia, which was his choice, that Publius Africanus, as he was then called, declared that if Lælius, his brother, was chosen, he would serve under him as lieutenant.

This could not be resisted, so great was his reputation with the people for his victories over the Carthagenians and Hannibal, whom he was sent once more to encounter. But this did not fail to make Lælius his enemy, and all his connections and particular friends. Besides it was a proof of an ambition that could not be satisfied. For though Lucius had the command nominally, yet it was evident that Publius had the actual command, and it was under that idea that out of his course he had obtained. It was, in fact, an evasion of the law, and an invasion of the equal rights of the Roman nobility, all of whom were emulous of glory in their turn.

What wonder that on the return of the Scipios, notwithstanding the war had been successfully terminated, there were accusations against them. That of having embezzled the public money, or converted to their own use the treasures taken from Antiochius, was the charge that was finally fixed upon as the

ground of his impeachment before the people. Not, it is to be presumed, that there was any thing in the charge, but because it was most likely to be believed, and to affect the accused.—For it is not to be inferred from their not appearing to answer the charge that they were guilty, but that seeing the prejudice against them, they despaired of a fair trial. When the day came, having prevailed so far as to get the trial put off, Publius withdrew into exile: Lucius, the younger brother, who had been the highest in command, though but nominally, pretending sickness, did not appear.

Scipio (Africanus) withdrew to Liternum, and nothing more was said about him. There he spent his life without any wish to return to the city; and when dying gave orders that he should be buried there in that very place, that he should not have his funeral in *his ungrateful country*.

It is a pretty strong presumption against the character of Scipio, that Marcus Portius Cato, the censor, as remarkable for courage as integrity, was his enemy; and during his life, did not cease to inveigh against his ambition. Though not until the death of Scipio, did it appear what enemies he had, whose indignation, says the historian, burst out, which had been in some degree concealed before. There must have been a cause for this; and what do we find in his life, but his taking precedence of others, and grasping at command out of season and turn. This will never be borne in a republic, where the human mind has free play to show itself, and talents ought to have a fair chance for office and appointment. It is a robbery to engross as to number, or to usurp prematurely by intrigue, or those arts that take the populace; such as have recourse to these, even though they achieve great actions, have no right to complain of ingratitude from their country, when notwithstanding what they have done, the ways and means begin to be considered, by which they usurped the opportunity of doing them, to the injury of other great minds, who might have shown equal talents and accomplished the same things. It is sapping all foundation of republican equality and right to countenance this. It is very possible that a certain public character, whom I could name, would have made an abler president than Thomas Jefferson. But the presidency was not intended for him,

and it was a upon the electors not instantly to have disclaimed a competition. We have seen in what manner the not having done so, injured his reputation, and, in my opinion, deservedly. It has prevented him from rising to the elevation of the presidency, which I am confident in four years he would have attained. But had he attained that elevation at the time he attempted it, and performed even great services, it is not probable but that the strong indignation of those affected, would have followed him; nor would he have had good reason to complain of the ingratitude of his country, if they had ultimately wrought him a mischief.

CHAPTER II.

THE Captain being obliged to leave the village, was now about to renew his travels; not, as heretofore, on a voluntary excursion, but in the capacity of an exile. He was accompanied as usual, by the bog-trotter; and with several others of the village, who were willing to share his fortunes in some new establishment. Amongst these were the blind lawyer and fiddler: Clonmel the ballad singer; the latin school-master; O'Fin an Irishman; Tom the Tinker, and others; the Captain mounted; the rest on foot. A blind mare, with a pack-saddle, served to carry their provisions. This was the whole caravan which was about to set out for the new settlement.

After two days travelling, they came to a town, where judges and lawyers continued yet to be tolerated. Nevertheless a judge, just before, had been driven from the bench, owing to a fracas that had happened on the bench itself, with a brother judge, and which took its rise from a difference relative to idiom, and dialect of language. The one was a Scotch gentleman,

and spoke with the Saxon pronunciation; which is still that of the north of England, and the south of Scotland. The other was a native of France, and had acquired the English language after his arrival in this country, some years before. The Scotch judge found fault with the gallicisms of his French associate, and said he did na' like the accent, and that it was an error to bring it on the bench. That it did na' behoove (the French judge) to open his mouth to give a charge, especially to a grand jury, wi' sic' a dialec' upon his gab. The French judge seemed to think that his gallicisms were as good as the other's patois, or scoticisms; and observed that the French language had a footing in the courts, and was even the language of the law itself, at a very early period. A great part of the law of the tenure of real property, came from the Normans, who were French; that England became almost a French country under William the conqueror; that the terms de la loi, or law phrases, are vestiges of French to this day. C'est ui que use: in pleadings, ne unque accouple en loyal matremonie; autre fouis acquit, tout tems prit, and many others. Are there a y vestiges of broad Scotch in the law books?

Aye, quo' the Scotch judge, the law was Saxon before it was French, and it is time that it should come back to the Saxon again. Ye sha' na' deliver a charge on this bench, unless ye adap' your language to the state of society and speak plain English, or Saxon; for they are a' the same thing; and ha' the same privilege in a' courts of justice.

The French judge began to address the jury; when the Scotch judge interrupted, and called a constable to take him down *frae the bench.*

The French judge being a choleric man, laid hold of him by the waistband of the breeches, and the nape of the neck, and whirled him with a contortion of the body from the seat of justice, amongst the lawyers of the bar. His body having a rotatory motion, and his legs diverging like the spokes of a wheel, his heels flew round, and one of them hit the clerk on the nose, and a barrister above the brow; and caused great disturbance, to the fear and terror of the suitors, and other good citizens of

the commonwealth. The result was, that the Scotch judge had to leave the bench altogether, and go to the bar. The French judge in the mean time had been sent to Congress. Hence it was, that a vacancy existed in the place of judge; or rather two vacancies; but the mean difficulty was to get a *chief justice; or president.* The Captain made mention of the blind lawyer, whom he had in company; but they were unwilling to have a blind man. They wished to have a perfect judge; or one at least in possession of all his outward senses. He then proposed the bog-troter; stating that he had been in request for that promotion, before they had set out from the midland country.

The offer was accepted, and Teague was made a judge, and took his seat upon the bench.

Thn Captain had determined with himself, that he would oppose the advancement of this Teague O'Regan no more, having got so much ill-will by it. Nevertheless, he thought it not amiss to put him under the care of the blind lawyer, or for some time to give him instructions for the office, which at least could do him no harm, if it did no good. Accordingly the lawyer took him in tow, and began as follows.

Teague, said, he, you are arrived to honour and emolument, which some of your betters have deserved, and could not obtain. However, "time and chance happeneth to all men." You are, now on the seat of justice; and it remains for you, if possible, to qualify yourself for it. For I take it, you are yet to begin to obtain the requsites for the discharge of that trust. Now I have no idea that you can acquire legal knowledge. That is out of the question. Nor do I think it possible that you can ever attain the first elements of jurisprudence. But this is not absolutely necessary upon the bench, more than at the bar. I have known a judge upon a bench, whom I would not trust with the value of a hob nail, in a case of mine. It would be a substitute for sense if you could cite cases. But you have not even cases to cite, and call *authorities.* You must therefore begin a peg lower, and content yourself *with the saving appearances, merely personal.* Your gait must be steady; your demeanour

slow; gravity is a great cover for stupidity; stupidity, indeed supplies the place, and in most cases, gives gravity. But still it is to be cultivated. You must wear spectacles, to make people think you can read. If you do not take notes; yet seem to take them; for it is the fashion of the time, to be a great note taker. At least talk of your notes; that will pass for taking them. The Areopagi took no notes; for they sat in the night, and had no candle light. And *justice herself is said to be blind*, and can take no notes, But note taking is now the main part of the qualification of a judge; so that if you do not take notes, you must seem to take them. I myself, had I been appointed a judge, would have had to scratch a little. My fidler might have been a good assistant to me in note taking, had he not been blind too; for having the use of his elbow on the fiddle, he could scratch notes with great rapidity, could he write; but that he could not do, nor read either. So that I should have been as much at a loss as you in this particular. But it would not be impossible for you, as you have your eye sight to learn to write Abracadabra, Tantarara, and pass them for notes. However, if you cannot acquire all excellencies, you can avoid some defects. You can give attention, and seem to understand what is said in argument, though, it be impossible that you should understand a syllable. It is a great indelicacy in a gentleman to refuse his ear, or to shew himself inattentive in private conversation. But in a judge it is intolerable, when you are to decide upon a point which is argued with much earnestness at the bar, and where the cousel expect at least that you will hear them, even if you should not decide in their favour. For when they are heard, and are satisfied that they are understood, they are disposed to be content. But it is an error of which I hope you will not be capable, to interupt the argument by matters of your own concern. As for instance, when an advocate is at the pinching point of his reasoning, to call out for the crier to bring you something. You will see the advocate in such a case, turn and writhe himself, and show, in his coutenance, the irritation that he feels. But he is obliged to resume his oratory, and go on, saying your honour, and he would rather say, "cannot you take

advantage of a pause to call for what you want." It is mentioned of Lord Camden, that he was in all respects, the most correct of men in his treatment of the bar, save that he would sometimes, *in the middle of an argument, stooh down to garter up his stockings.*

It is dangerous in a judge to attempt wit, especally if he has none. There are few that have the talent; and it is not every one that knows that he has it not. It will be your best way to attempt nothing of the kind; but preserve gravity, and an imposing air of austerity. For as far as I can learn from the Captain, you are not happy at a bon mot.

But you must be careful of your mind itself, that it be not rendered vain by being called your honour. If the bar discover that you are weak on this head, they will plaister you with "your honour; your honour and your honour." They will be careful also to say, the "*learned judge,*" and this the more unlearned they think you are. And especially when they mean to impose upon you sophism for argument, and false construction for solid deduction. and conclusion. The "learned judge upon the bench," when at the same time they will be at a loss to say, whether they think you or the bench you sit upon, the most destitute of sense and understanding.

A man that has been behind the scene knows the vanity of all this, and how much must pass for nothing of all that apparent deference which is paid to the understanding of a judge. For the counsel of delicacy, and refined manners, will pay this respect to the office, on a principle of good breeding, and what becomes the profession; others will do the same thing, and, perhaps overdo it, from motives of prudence, and to gain a point with the court. There is trick in all trades, and there is craft, in the craft, if I may use a pun on this occasion.

But you have never been behind the scene; and have no experience of this play upon travellers; and managing the weaknesses of man. You are but a young judge, and likely to be lifted up with vanity, from your sudden elevation. Because you sit a little higher than the bar, and the suitors; for the

bench is usually raised a little, you associate your situation with yourself; thence comes arrogance, and insult.

"Man, vain man, drest in a little brief authority."

But it will be necessary that you maintain order, and support authority; because otherwise, the bar will become a bear garden, and intolerable to the practitioner. Rudeness must be repressed, and peculance overawed. Interruption and bluster cannot be endured. Rules of priority as, to the right of motion, and order of speaking, must be enforced. In questioning, or cross questioning a witness, the modest and observant advocate must be permitted to proceed without disturbance. All these things, your own good sense, if you have any sense, good, or bad, must teach you to consider, and apply.

By my showl, said the bog-trotter, but I will take de poker to dem, and give dem over de nose wid a shilelah, if dey make any spaches out of deir turn, in my hearing. It were better for dem dey were diging turf in Laugh Swilly. Day shall interrupt no good paple in my presence.

That will not do, said the blnd Lawyer; you must call a constable; and commit for misbehaviour. It will be descending from your dignity to take a cow-skin, or cudgel in your hand; nor does the law warrant it. "All things must be done decently, and in order." You can lay your hands upon no man yourself. it must be by your officers, that you execute the laws, The sheriff is at hand, the coroner with his rod; or the constable with his staff. These are the ministers of the law in your hands to keep the peace. You can only by warrant of authority, or what is called a *precept*.

The bog-trotter thought it hard, that he could not take a staff from the constable, and preserve the peace himself. But he was disposed to submit to the restriction since it seemed to be the practice of the court, He enquired, however, whether it might not be allowable to take a batabuoy to de officer, or sharvant of de court, if he did his duty slowly, so as to break de patience of de lawyers and, and be waiting for him.

As to this, the Lawyer gave him the proper information, and here "*endeth the first lesson.*"

OBSERVATIONS.

IT may seem to shock all credibility, that Teague should have a seat upon the bench.

"Ficta, voluptatis causa, sint proxima veris."

This is a maxim of the critic, and founded in the principles of human nature. For a just taste does not relish what is incredible. But why should it be thought incredible, that Teague should be a judge? Or why distrust his capacity since he had a commission? On the death of attorney Noy, the author of the maxims, we have the following anecdote. Dining with the Chancellor, it was lamented by some, that such a loss had happened: what will the king do for an Attorney General?

When the company were gone, said the valet to the Chancellor; why need you be at a loss for an Attorney General? I will be Attorney General.

You Attorney General! Are you fit for an Attorney General?

Let the king give me a commission, said the valet, and I will see who will dare to say, that I am not fit for it.

There is certainly a great deal in a commission, and the possession of power. I was early struck with this, in seeing the respect paid to the opinion of a man made a justice of the peace, when none had been paid before? and yet the commission had but very little increased his law knowledge; or, in fact, had left it just where it was; some degrees below zero.

It may be thought, that I mean to undervalue in a judge, the faculty of taking notes. On this head I will explain myself. Certain it is, that the taking notes detracts from the exercise of *memory;* but much more from the exercise of *understanding*. The mind is divided, and the act of putting upon paper, detracts something from the operation of putting in the head. The mechanical and intellectual are at variance, and in some degree, however imperceptible, destroy each other. The revolution, and composition of forces, produce a line in a diago-

nal direction. It is imposible that the man who writes, can more than half think. All those relations and combinations of ideas that present themselves. and are managed by him at his ease when he gives his whole mind, are lost in part, or have not justice done them, when they are to be recovered, and adjusted from the partial hints that can, in the mean time be thrown upon paper. A note taker, and a thinker, on the bench might be of use. The thinker to look over the notes, and assist himself afterwards. The note taker not to think at all, but to mind his pen. At the bar, it was my way, to take in a writer where I had the command of the cause? but it was understood between us, that he was to confine himself to his province for the time being, and neither speak nor think.

In the history of ancient oratory, tribunitial or judicial, do we meet with any thing on note taking? In Cicero de Orator, have we any thing? Has Quintilian a chapter on the subject? No man can be an orator that dissipates his mind with taking notes, It is a qualification at the bar, or on the bench, extremely subordinate.

Nevertheless, I do not mean to exclude it altogether. A skeleton of the cause must be preserved, for the sake of a reserved point, a motion for a new trial; or in arrest of judgment. It is that full body of the evidence, to which I object. If it is in paper, it wastes the time of the country to copy, and if oral, it turns the judge into a mechanic to take down. It is not necessary for the purposes of justice, to have all that comes out in a cause put upon paper. There is seldom more than a single particular in the testimony of a witness that affects the cause. It is the height of ability to select and take this down. The late chief justice, the governor, had this talent. I have heard the present chief justice speak of it with admiration. The present chief justice (Shippen) himself possesses it in a high degree. Perhaps hits the medium perfectly.

It is in the case of jury trial, that my exception chiefly lies to length of note taking, when the examination of a witness is delayed until the judge, or the counsel takes down; and the mind of the judge carried off from the hearing of the evidence,

is not so well prepared to give his charge, which ought to consist of *the resulting points of the controversy*, and not a summing up of the evidence, for that is supposed to have been done by the counsel, or by the jury in their own minds But a man that is writing all the time the council are speaking, can but half think. But these strictures must be taken " with a grain of salt ;" and it is not to be supposed that I would dispense with note taking altogether in the case, especially of the presiding judge. On a motion for new trial, some detail of the case is necessary for those who have not tried the cause.

On an argument upon a law point, where the decision is not immediately to be made, and the notes are taken for the purpose of examination of the books, it is immaterial of what length, because the counsel are not stopped by the impediment of clerk-ship.

After all, as I am not in the habit of taking notes much myself, and do not like it, and resting a great deal upon felicity of memory, the result of trusting to it, I thought it well enough to argue my own cause, and to see what could be said on behalf of my own way, in this particular, whether it be a defect or an excellence.

I had forgot to mention, in its proper place, that though the people objected to the taking the blind lawyer for a judge, yet they agreed that he might be a clerk, and associate the blind fiddler for his deputy. This arrangement being made, the Captain was disembarressed of this part of the trumpery he had met with him, and which encumbered the caravan.

CHAPTER III.

The settlement in which they now were, was called the back settlement ; not because it was farthest back , but because it had been once the frontier. The name *back*, still continued to be tacked to it ; now when it had become the midland country.

The inhabitants of this country had become wits, and improved in manners, from society and intercourse. The females dressed better because they could afford it, than they had done years before. Their buildings were of stone, or brick, or of sawed timber, framed, instead of round or square logs laid upon each other, as was the mode at an early period. Nevertheless there was still a defect of judgment in the construction of their houses, for the summer, as well as the winter seasons.—They were placed, in most cases, as they ought to be, fronting the south; but without perforations, or a passage for the air, by means of windows from the west to the east. On the contrary, many of them had what they call wings; and these placed at the east and west end. The entries were small, and the kitchen placed in a wing, or at the east or west end of the house. Yet, a little thinking on original principle, would say, that it ought to be at the north east of the building, to oppose the storm which comes from that quarter, in the winter; and because in the summer it obstructs no breeze in that direction. But it is not *lawyers or judges only that are enslaved by precedent.*

They take care also to build in a valley, because it is near a spring head. But in the winter the court yard is muddy; and in the summer they want air.

As they proceeded, the Quo'-he settlement lay upon the left. This settlement takes its name from the Quo'-hees, a nation of Indians that inhabited the country at the first discovery of this part of America. The Munsees, and Shawnees, have a like termination in the sound of their names, and these are now the remains of nations that inhabit the countries on Lake Erie and the Ohio river.

Some fanciful writers, nevertheless, attempt to give a derivation from another source; and think, that as this settlement is peopled chiefly with what is called the Scotch-Irish, so the name is derived from a phrase amongst them very common in their familiar discourse; quo' he, quo' she, and quo' they, &c. Quo', they suppose to be an abbreviation of quoth; that is, said he, said she, &c.

Butler, in his Hudibras, uses the word quoth, in this sense.

Quoth he, there is one Sydrophel,
Whom I have cudgell'd——

Of this they boast, as a classical authority in their favour.—And, doubtless, this etymology is strengthened by the names of the rivers in this country, such as the Susquehanna, which is a compound of sauce quo' Hannah; the name of a girl calling out for sauce to her meat; and also from the Schuylkill, from skull and kill. For what kills a man sooner than knocking him on the head? But there is great uncertainty in etymology, in deducing the origin of nations. Abarbanel in his Jewish antiquities, fully evinces this. Also Spinazoli, in his Asiatic researches, and others. But this is just as plausible, and nothing more, with the hypothesis of some who conjecture that the Allegheny mountains took their name from an English woman of the name of Alley; as we say Alley Croker in the ballad.—That the Chesapeake was so called from a Welchman, who made use of cheese instead of an anchor; so that instead of saying the anchor is a-peake, said the cheese is a-peake; and so fixed a nick name on the bay. There are some local names of subordinate rivers and smaller streams in this particular part of the country, that strengthens these conjectures, Aughwic is allied to Aughrim, which is a place in Ireland. We have heard of the *break of Aughrim*, a place where the protestants were defeated Macintanga, Macanoy, is evidently Scotch, from the initial Mac, which signifies son, in the Erse. Juniata is a compound of English and Irish. Johnny is English; but ata, or atoy is Hibernian. I knew one Dennis A-Toy, that used to mow for my father when I was a lad.

Nevertheless, I incline to their reasonings, who think that quo' he, is an Indian word, and of aboriginal derivation

On the right hand of the route of the caravan, lay the Fooley settlement. Etymologists and antiquarians are here at war also.

African travellers tell us of the Foola country in the neighbourhood of the Mitomba, or Sierra Leone river. Winterbottom and Walis, late travellers, give a particular description of

it. The natives distinguish the year by *moons*. There is the *sweet-brush* moon; from the way that wind blows; *shun path* moon, from the heat; the shakoo, or harvest moon. The time of day is distinguished by the "sun going into the water," that is evening; "the sun in the bush," that is night, &c. Their epochs are a town burnt, or settlement destroyed.

The burree, or palaver house, is the seat of justice, where all causes, civil or criminal, are decided. The test of innocence is the drinking *red water* without occasioning a qualm to the stomach. A hot iron applied to the posteriors is also a test. If the culprit does not grunt he is safe.

The Mandingo country lies north of this, and signifies bookman, because here they read the alcoran, and have schools. In the Foola country, they have no schools, and cannot read.

Now there are authors, who derive Fooley from Foola; and think that this settlement must have been peopled by a colony of Africans, and hence derive the name. It is true they have seats of justice, and palaver houses, where the lawyers plead. Jury trials are in use; and in this mode of administering justice it is not the accused that is tortured, but the judges; that is the *jury*. This is not by drinking red water, which is a composition of the bark of trees of an emetic quality; but by drinking nothing at all, or eating either, until twelve of them are all of one opinion; which, to render more difficult, the palaverers, the lawyers, are allowed to address them a whole day, or longer, previously on different sides of the question or fact, so as to "perplex and dash their councils."— There are what are called judges also, who preside, and these are allowed also to give different opinions on the case. The jurors being puzzled are ordered off under the care of a constable, with a staff like a weaver's beam, and he is to keep them together without meat or drink, unless with leave of the court, and without speaking to any one *until they are agreed*.

Notwithstanding this consimilarity in the manners, and the resemblance in the sound, or speaking of the word Fooley, with that of Foola, I cannot immediately accede to the idea that the inhabitants came from Africa. Because there is no tincture of

the African complexion. There are negroes and mulattoes amongst them it is true, but the bulk of the inhabitants are of a clear red and white. I take it that the word Fooley, is derived from the word fool, which signifies devoid of sense, and was applied to them, being originally a weak people; and still continuing to exhibit marks of simplicity bordering upon folly. Their credulity is amazing, and they are the constant bubble of candidates for office. They do not sell themselves as the Foolas; but they sell their votes; or rather give them away at elections, for whiskey, or deceiving speeches, replete with the words *liberty and the rights of man.*

In the course of this day's journey, at the crossing of the roads, the caravan fell in with a company of electioneerers, who were coming from the Fooley settlement, and had a number along, taking them to the election ground, not far distant. They were slapping them upon the shoulder; clapping them upon the back; and saying come along my brave fellow; give us your vote. How are the old people at home? How came you to get that handsome girl for a wife? Is your crop good this year? Come take a dram of this whiskey. How is it that you do not set up for an office, and not be lying at home in the ashes supping cider, while we are obliged to go to the legislature, and to fill offices, and keep you at your ease doing nothing? You must take your turn next year. This will never do. Fair play is bonny play. It is too much to be always on duty. But somebody must stand forward, or the people will be run down by the lawyers, and the courts of justice. Come give us a vote.

The Fooleys were all smiling and in good humour.—Not so in the Foola country on the Sierra Leone river, where the inhabitants are sold or bought. It is with great reluctance that they go into service; and some tender scenes take place at the parting of parents and children. It is there called slavery. Here it is called supporting liberty, though it is sometimes sapping it, by putting folly into public trust.

The Foolas on the Sierra Leone, are spoken of by some travellers, as cannibals; but I do not find an agreement upon this head; and the supposition arises, I would presume, from the purra, or state inquistion which is amongst them, when the ban-

doo woman denounces a culprit. The purra then, who are state officers, take off the culprit, and he must drink red water, or be subject to hot irons. If he shrinks in the experiment, he is carried away, and never more heard of. But this affords no conclusive evidence that they eat him; any more than amongst the Foolas in this settlement, who have been represented by some as cannibals, and devouring one another, because in their kuriouks, or churches, they are frequently denounced by their priests as *back biters*.—This means slanderers, and not that they feed upon the haunches of men like venison. Such are the mistakes of superficial observers, and credulous travellers; whose accounts writers copy, and publish as facts, frequently without due examination.

CHAPTER IV.

CONTAINING REFLECTIONS.

It is an epoch in the life of man when he puts on breeches. The heart of the mother is glad when she sees her son run about in pantaloons. A second era is the going to school. She bids him be a good boy, and learn his book. It is the father's business more especially, or at least the father has then more to do with him, when he puts him to the plough, or to a trade, or a profession. He gives him lessons and instructions of industry, and morals.

But when he comes to be his own man, at the age of twenty-one; and has a right to vote at an election, what a change does his situation undergo! What a right devolves upon him! I may say a trust for the under age, and for posterity. What honour attaches to his right! What delicacy ought to be used in the exercise of it.

In the age of ancient chivalry, when the youth had come to manhood, and was made a knight, it was with matter of ceremony, and his equipment was by the hand of a fair lady buckling on his armour; and inspiring him by her charms and her sentiments, with heroic sense of honour, and the scorn of all that is false or mean. The chevalier of that day was a conservator of the peace.—His prowess was instead of laws. Now the vote of the citizen takes place of the sword of the adventurer. This is at the bottom of all order and subordination. Shall the knight of the golden cross be free from stain in his atchievements; and shall a republican, prostitute his vote, or dishonour his standing in society, by bestowing it on the unworthy? Shall he give away his suffrage for a fair word, for a dram of liquor, "for a mess of pottage?" *It is his birthright.* Shall he give his vote but on the principle of conscience and of honour? Shall he decline his duty to present himself at the election? How does he know but that upon his vote may depend the duration of the republic? Who can tell with what particle of air a pestilence begins? And whether it is from a quiescence of that particle that a stagnation of the atmosphere ensues, or from its activity, by gas from the earth, that a hurricane is produced. A vote given wrong, or withheld, may occasion ultimately a convulsion in the commonwealth.

But truth, artifice, fraud, meditated fraud in this noblest of functions, the all of sovereignty, in a vote, how disgraceful, how criminal! And yet it is not always, or every where that disgrace begins to be attached to this the most flagitious of all knavery. If these strictures, shall have the effect to cultivate a sense of honour in our candidates, and in our voters, it will be worth while to have written the book.

CHAPTER V.

They were now entering the Lack-learning settlement, where a great uproar had been made on account of their coming. It had been given out that the company consisted of *scholars and lawyers.* This, either from mistake, or the design of wags, who liked to see misconception, even though it occasioned mischief. A multitude had got together, with sticks and stones, to obstruct the march into their country.

It was at the opening of a defile they were met, and could proceed no farther. The captain himself advanced with a flag, and with great difficulty obtained a parley, and a conference. Friends, and countrymen, said he, what do you mean? There are no scholars amongst us, save a latin schoolmaster, who has left off the business, and is going to become an honest man, in a new country. We have no lawyers: not a soul that has ever been in a court, unless indeed as culprits, and to be tried for misdemeanors; and that, I take it, is not likely to give them a strong prejudice in favour of the administration of justice. Here is Tom the Tinker; Will Watlin; Harum Scarum, the duelist; O'Fin, the Irishman, and several others, that have no predilection for scholarship. It will be but little learning they will introduce among you.—There is Clonmel, the ballad singer; he can sing, and make a ballad, that is, a song for a ballad; but that is but a small matter.

After all, what harm could learning do you, provided that you did not learn yourselves? The bears and the foxes of these woods do not learn; but they do not hinder men to read books. They have no objections to schools or colleges, or courts of justice; because it does not prevent them running into holes, or climbing upon trees.—The racoons, and the squirrels can crack nuts, maugre all our education and refinement. "Every man in his humour," is the title of one of Ben Johnston's comedies. If you do not find your account, or your amusement in literary studies, what matters it if others do? Learning is not a thing that will grow upon you all at once. It is a generous enemy;

like a rattle-snake, it gives warning.—The boy feels the birch on his backside, to make him learned. The man gets a headache, poring over books. In fact, it requires some resolution, and much perseverance, to become learned. I acknowledge that men were at first like the beasts of the wood, and the fowls of the air, without grammars or dictionaries; and it took a great deal to bring them out of that state, and give them what is called education. At the revival of lettes in Europe, after the dark ages, it was thought a great matter to get to be a scholar. Peculiar privileges were attached.—Hence what is called "the benefit of clergy."

The clergy, said an honest German. The clergy are the biggest rogues of the two. An honest Sherman minister widout larning, ish better. But the lawyers are the tyvil; mit deir pooks, and deir talks in the courts; and sheats people for the mony. I sticks to the blantashun, and makes my fence. Larning ish goot for noting; but to make men rogues. It ish all a contrivance to sheat people.

The demagogue amongst the multitude, who had excited this opposition to learning and the learned, was a shrewd fellow, and it was not that he was not sensible of the advantages of learning, but because he was a sciolist himself, and did not wish to lose his influence by the competition of a lawyer, or a scholar, that he had excited this prejudice. But discovering that amongst this company, as the captain said, and which he could guess from the manners, and the countenance, there were no literati; or what the French call Scavans, coming forward to take a degree of the meridian, or explore antiquities; much less a corps of lawyers to establish codes of jurisprudence, or introduce litigation, he explained the matter to those around him, and reconciled them to the proposition of suffering them to pass through the country.

The captain expressed his sense of the courtesy, and opportune assistance, towards the object of their progression; and making him a present of a box of jews-harps for the young people, proceeded without farther molestation.

OBSERVATIONS.

THE demagogue of all times, and countries, uses the same arts. The laws are a standing butt of his invective. He cannot be a sage or a legislator; and therefore must find fault with those that are. The Athenian Cleon, in his harangues, as given by Thucydides, is a perfect model of a demagogue. I have not the book by me, or I would copy one to give a specimen of his art. The oppression of the laws, and the inequality of justice to the poor, are the usual themes of his declamation. But where there are laws, there will be science; and science is the support of laws. Hence the hostility against these, at the same time.

But the passion of the time changes, like the fashions of dress. It is just the same principle that introduces the square toe in place of the sharp, that also makes it the rage to be a scholar; or to be illiterate. But the change in the one case is not so much felt, as in the other. It is not attended with such extensive consequences. "Of making many books there is no end, and much study is a weariness of the flesh." This is the language of a man that had been a great scholar, and writer; because in his experience it had not given perfect happiness, as nothing will, he speaks in these terms. It is not meant to be taken precisely as spoken; and is more than an expression of the inanity of the noblest of all enjoyments; the mental gratification, of *making or reading a book*.

I therefore think the Lack-learning people had been misled in their prejudice against a literary education. At least, it is my simple way of thinking, and I may be wrong. Admitting this, I shall go on with my story.

CHAPTER VI.

PROVISIONS had begun to fail; and though they had a fire-arm or two in company, with a little ammunition, yet they were not the best marks-men, and nothing had presented itself, in these woods to take down and barbecue. Harum Scarum, was the commissary; but he could devise no ways and means of supplying food, unless by sending a challenge to the game, and calling them out to a duel, where they might be shot at pleasure.

It was thought absurd to suppose that deer or buffaloe, or even a wild cat, or opposum, would stand upon *a point of honour*, and come out of the woods at a card, in the manner of men piqued upon their courage.

Why not? said Harum Scarum, do not men come and stand up to be shot at, like a post, without stirring? Have not men more sense than beasts? at least they have more learning, and boast of their education. I can bring a fellow out to me almost at a wink; and shall I be at loss with a brute beast, who has not half the prudence, though it may have the same self-love, and principle of preservation?

You may try it said the Captain. I shall wonder a little if the event "corresponds with the intention."

Harum Scarum, having made out his challenge, made choice of Will Watlin for his second, to bear the cards, and disperse them in the forest.

No answer came, and no bear or panther appeared, or came upon the ground.

The next thing was to post them; which he did, and put up billets upon trees. They were to this effect.

"Take notice, that I Harum Scarum, gentleman, do hereby post and publish the beasts of these woods, to be scoundrels, liars, and cowards, of which let all men take notice; that no man of honour may keep company with them, but consider them as paltroons and rascals."

This was what is called the mad-cap settlement; the inhabitants being of an irritable disposition, and apt to take offence. Accordingly seeing those upon trees, as they were looking for their cattle in the woods, they were highly vexed, and put into great passion. Sundry of them had fallen in stragglers of the company, gathering root and berries, or looking for a shot, and had come to high words, under a mutual understanding of the circumstance which gave offence. Collecting a large party at a pass, the mad-caps had come forward, and determined to give battle. The captain saw the necessity of some active measures on his part, and collecting his men, began to form. He had with him the player on the bag-pipes, and Tom the Tinker, who turned a piece of tin that he had into a kettle drum, and beat on it the rogues march, which was the only point of war that he could beat. Will Watlin had a saplin of hickory, and O'Fin his flail, which he brought along with him, not knowing but he might get a job of threshing by the way.

He had now got a job, it is true; but not of the same kind that he meant, wheat at six-pence a bushel, but people's brains to beat out, or their bones to break; a thing as unprofitable as it is unlawful. The Captain being a military man, was thinking of the science, and manœuvers put in proctice by the ancients, by which they had gained battles. He was at a loss whether to advance in single column, untill within a certain distance and then halt with the head, while the rear wheeled round, and struck like a serpent with its tail, in the manner Epaminondas gained the battle of Leuctra. Or whether he should imitate Hannibal at—I forget at what battle, with the Romans; and oppose a semicircle, with a convex to the enemy; and which yielding in the center changed to a crescent, and received the adversary in its horns, which encompassing the flanks, cut them to pieces. He was debating with himself whether he should advance to a certain height, or rely upon an ambuscade among the bushes in the plain, when, in the mean time, Clonmel the ballad singer, struck up a song in the center, and the mad caps began to listen; and though they had as many arms as a learned lawyer puts in his declaration: "swords, staves, and knives,"

they dropped them all, and seemed to return to good humour. The song of Clonmel was as follows.

What use is in fighting, and gouging, and biting,
Far better to let it alone;
For kicking, and cuffing, and boxing and buffing,
It makes the flesh ache, and the bone.

But give me the whiskey, it makes one so friskey,
But beating, and brusing makes sore;
Come shake hands my cronies, come near, my dear honies,
And think of your grudges no more.

We are a set of poor fellows, just escap'd from the gallows,
And hunting a wolf or a bear.
And what with a tale on, except the camelion,
Can live upon fog, or the air?

Some venison haunches, to fill up our paunches,
Come see if you cannot produce,
A barbecued pig; a nice mutton leg,
Or turkey, or bit of a goose.

We have store of good liquor; so bring something quicker;
And club your potatoes and yams.
We'll make a great feast, and turn all to jest;
So away with your frowns and your damns.

There is nothing like love, which comes from above,
And tickles the youngsters below.
It is vain man's own fault, that he so brews his malt,
As ever to cry out heigh-ho!

Alexander and Cæsar, and Nebuchadnezzar,
Found out to their cost this was true;
Now who will be fools, to drink at the pools,
Of ambition, and war, we or you?

The mad-caps were settled like a hive of bees, and coming forward, began to gather in a cluster round the ballad singer. Some took him by the hand, others asked for the keg of whiskey, and in a short time amity was established, and they were all as well acquainted, as if they had been together seven years.

Several of them knew Tom the Tinker, having served under him, in the western insurrection, in the year 1794. Store of provisions were in a short time brought in, and forage for the Captain's horse and the blind mare. Having refreshed themselves with rest, a day or two, maintaining still a good understanding with the mad-caps, and mixing occasionally with hunting parties that shot squirrels, and racoons, who declined to accept challenges, and fight upon equal terms, they began to think of the object of their emigration. Orders were given to put the troops in motion; and taking up the line of march, the cavalry in front, they set out, and passing through the mad-cap country, no interruption happened, until they began to enter that of the *democrats*.

This is a settlement contiguous to the mad-caps. The inhabitants are a very happy people, no demagogues having yet arisen among them, to propel to licentiousness, as for instance, to propose agrarian laws or an equality of goods and chattles; or to excite them to contention amongst themselves, or to war with foreign powers, in order that they may show their oratory, attain power, and become something in the state. Such had not yet begun to call out against laws, and the administration of justice; sciolists and young persons, too indolent to acquire solid knowledge, declaiming against rules, the policy of which they do not comprehend; affecting to discuss points in their lucubrations, of elementary jurisprudence, as to form or substance of which, they are as incabable as half a tradesman at any other profession, could be of pointing out the excellencies or defects of an improvement on the tools, or machines in use. It takes a great general to improve tactic; not a half year soldier just taken from a drill-serjeant. Yet such are the most presumptuous, and never are convinced of their incapacity, until the experiment forms the rejection. But in the mean time, the democratic character is levelled, and incurs the imputation of being unfit for government.

The state of democracy much resembled that of the Achæan commonwealth; not so much in the form of the constitution, as the principles of the government, and the virtues of the people. I shall take the description of it from Polybius. It is

contained in the eulogium which he makes, in the course of his history upon this peopel.

"From whence then, has it happened," says he, "that, not the people of those countries only, but all the rest of the inhabitants of Peloponesus, are so well pleased to receive, not only their laws, and form of government, but their very names also, from the Achæans? In my judgment, the cause is, nothing else, than *equality, and liberty*, in a word, *that democratical species of government*, which, is found more just and perfect in its kind, among the Achæans, than, in any other state. This republic, was at first composed of a small part only, of the inhabitants of Peloponesus; who voluntarily associated themselves into one body; but, a greater number soon joined themselves to them, induced to it by persuasion, and the manifest advantage of such a union. And, some, as opportunities arose, were forced into the confederacy. But they were satisfied with the violence, by which they had been compelled to embrace so excellent a form of government. *For the new citizens were suffered to enjoy all the rights and previleges that were permitted to the old. Every thing was equal among them all.*

Thus employing the means that were of all things, the most effectual for their purpose, *equity and gentleness*, they soon arrived at the point which they had in view."

When the Thebans, after the great and unexampled victory, which they obtained, against the Lacedemonians, in the battle of Leuctra, began, with the surprize of all, to lay *claim* to the sovereignty of Greece, various troubles, and contentions arose among the people of the country, and especially between the two contending parties, for the one refused to submit as conquered; while the other presisted to claim the victory. In these circumstances, they at last agreed to yield all the points that were in dispute between them to the sole judgment and decision of the Achæans. Nor, was this preference obtained by any superiority of thought, or power; for they were at that time, the last of all the states of Greece; but was confessedly *bestowed upon that integrity and love of virtue, by which they became distinguished above all other people.*

This is the real character of democracy; and who, in this view of the character, would be unwilling to be called a *democrat*? Yet there have been revolutions in the public mind, with respect to the honorary, disreputable nature of this application. It will be recollected, that after the adoption of what is called the funding system, by the administration of the federal government, societies were instituted about the years, 1791—2—3, under the denomination of *democratic societies*. It was the intemperance of some of these bodies, and the insurrection of 1794, which brought a cloud upon these societies, and caused them to be discontinued. Prudent men and patriots, were willing to avoid a name which had incurred disreputation from the excesses of those attached to it.

But the errors of the federal administration, or at least measures thought to be errors, having overthrown that administration, the name, before buried, began to obtain resuscitation, and to be able to show its head in a new existence, and with fresh honours, instead of insult and degradation. The term *democrat*, has ceased to be a stigma; and begins to be assumed by our public writers, and claimed by our patriots, as characteristic of a good citizen. That of *republican*, which alone had been vented on for some time, is now considered cold, and equivocal, and has given way pretty generally, to that of democratic republican. In a short time, it will be simply, the *democracy* and *democrat*.

But how long will this be so, in the United States, or, in these states? Its duration will be in proportion to the wisdom of those who occasionally obtain the ascendency in the government. It is him alone, "who gathereth the winds in his fists," that can calculate the revolutions that depend upon the temper, and the passions of men.

CHAPTER VII.

I call myself a democrat. I will be asked, what is a *democracy?* I take my definition from a speech put into the mouth of Pericles, by Thucydides. It is to the Athenian people. "This our government is called a democracy, because, in the administration, it hath respect, not to a few, but to the multitude: a democracy; wherein, though there be an equality amongst all men, in point of law, for their private controversies; yet in conferring of dignities one man is preferred before another to a public charge; and that, according to the reputation, not of his power, but of his virtue; and is not put back thorugh the poverty, or the obscurity of his person, as long as he can do service to the commonwealth. And we live not only free in the administration of the state; but also, one with another, void of jealousy towards each other in our daily course of life; not offended at any man for following his own humour, nor casting on any man censure or sour looks, which though they be no punishment, yet they *grieve:* so that conversing one with another, for the private, without offence, we stand chiefly in fear to transgress against the public; and are able always to be obedient to those that govern, and to the laws; and principally to such laws, as are written for punishment against injury; and such unwritten as bring undeniable shame to the transgressor." Hob's translation of Thucydides.

This definition or description, of a practical democracy, is drawn from real life. It is in the mouth of Pericles, a man of business; a sapient statesman; who had been bred and born in a demacracy; versed in its affairs, and knew its errors, and its excellencies. One thing is remarkable, that a particular excellence which he notices, is the freedom of opinion. Where a government is founded on opinion, it is of the essence of its preservation, that opinion be free. It is not enough that no inquisition exists; that no lettre de catchet can isue; but that no man shall attempt *to frown* another out of his exercise

of private judgment. Is it democracy to denounce a man in a paper, because he thinks differently on a measure of government with the editor? It is tyranny; and the man who can do this without reason, or moderation, is a tyrant, and would suppress the right of private judgment, if he had the power. I distinguish between stricture, and abuse. All depends upon the manner, and the toleration. A man is not always a deserter from just politics, because he cannot agree with me in opinion, on a particular subject. Mutual toleration and forbearance in our sentiments, with regard to the legality, or expedience of measures, is the soul of democracy. It is that which distinguishes it from despotism, as polite manners the fine gentelman in polished life; in civilized society. In a despotic country, it is the boot, or the thumb screw, or the cord, that brings a man to reason; at least the wheel and the pulley, are used for this purpose. What better in a republic where a man is this day a patriot, and the next day a traitor, at the whim of him who bestows the appellation? In the livid dens of despotism, state prisons are the seminaries of submissive citizens. In a democracy, shall terror issue from lamp-black, and patriotism be put down, under the name of opposition? When a man frowns upon me because I have dissented from him in opinion, on a political matter, I discover clearly the grade of his political standing, and democratic improvement. He is no democrat, say I; as another would say, he is no gentleman.

But it will be said, are not your democrats, all noisy, vociferous, intolerant and of a persecuting spirit? I say such are not democrats; they are spurious, and usurp the name. In a government founded on opinion, nothing ought to be a reproach, that is the exercise of private judgment. It is subversive of the essence of liberty. *A frown is the shadow of force, and he that uses the one would have recourse to the other.*

These observations allude to what is practical in democracy and cannot be established or prohibited by the laws; but constitute the manners which a democratic government inculcates, and is culculated to produce; and it will be observable, that there is a great deal of this among the body of the people, who have been accustomed to liberty. It is chiefly amongst the

young in *the world*, or young in *the country*, that the contrary spirit shows itself. I am amongst those who carry my ideas in favour of the naturalization of foreigners, perhaps too far. I am for exercising the rights of hospitality to them, to all extent at once; making them citizens, and giving them the right of suffrage, and even office, the moment they set a foot upon the shore. For I cannot see on what ground, we can justify a refusal. But I do not mean to discuss this point at present, I introduce it to show that I am liberal in my notions, with regard to the priveleges of foreigners. But I admit, that it takes some time to give them correct ideas of the limits of liberty. It is, I believe, a saying of the Grand Pensionary, De Wit of Holland, that "it takes a man half an age to enjoy liberty, before he can know how to use it." Nevertheless, I cannot see the inexpediency of admitting to a vote, the emigrant that comes amongst us, the first day he presents himself. He will be instructed by those that have been here before him. He must take his ticket from some one.—Is the ocean afraid of the rivers? Even when the come turbid with the swell of the mountains? The sea clarrifies, or they are lost in it. Who complains, out at sea, of a spring flood muddying the waters? This ought to be a lesson, at the same time, to emigrants, that they "use their liberty, so as not abusing it." It is a strange thing to see a man come in the other day undertake to set all right; and to denounce men of age and high standing, as guilty of defection. But what good is there in this world without an alloy of evil? What exercise of right without abuse? If I am wrong it is the excess of liberality.

But I find another principle in the oration of Pericles, in the justness of which, I am more confident. That is *the equal right of office to all the citizens.* As the greater contains the less, this involves the right of vote. The only *qualification* of which I can have any idea, as justifiable, is that of age; and I should have no objection to see this restricted to a greater age than that of 21,—say 45 years. At this time men cease to be fit for the militia, or other ministerial services. Let them then become legislators; and have the right to vote in *making laws, or chusing those that represent in making them.* This would take

off a great deal of wild fire in our elections, and it would keep away vain young men from our public councils.

What absurdity does the idea of a qualification of property involve! It unhinges the ideas of the ancient republicans; that it was honourable to have enriched the republic, and to remain poor themselves. To be wise a man must be rich. No, but to be honest, he must have an estate. But in getting this estate, he may have been a rogue. In general, he must, in some measure, have neglected the improvement of his mind, At least, it does not follow, that in proportion as a man is poor, he is not to be trusted. They are frequently the most generous souls who have amassed little wealth; on the contrary, the most ignoble, who have acquired great property. The man that has set his heart on riches, is lost to benevolence, and public spirit. In the possession of office, he is thinking of what can be made by it. "Nothing can be great," says the critic Longinus, or the stoic philosopher Epictetes, I forget which, *"the contempt of which is great. It is great to despise riches. These cannot therefore be great."*

But how can we measure the value of property, and fix the criterian? Shall it be real property, a freehold? is my acre worth more than yours? Shall I have but an equal right; What are the drawbacks upon my estate? My debts and credits? It is the surplus that makes my property, even in the case of the substantial fund of freehold. But property is not the only stake. Person and character, are stakes. Every man that has a head has a stake. There is no proportioning it. In what is impracticable we can have no election. It is therefore an excellent principle of our excellent constitution, that all men have an *equal right of suffrage, and an equal right of office.*

I should not like to live in a republic where a man must be worth so much, to have equal rights; even could it be ascertained what I am worth; which, as I have said, is impracticable. How many men have I passed in life, less industrious than myself, and yet richer. They have had better luck, as we express it; or they have been more selfish, and kept what they got. Can a man that is looking at the stars, mind what is under his feet? We read of most of the great statesmen of antiquity, and

virtuous heroes, that they were poor. It is no uncommon thing to find it added, that they themselves were buried, or there children educated at the public expense. The love of science; and the love of the public, is at variance with attention to private emolument. Shall it then be disreputable in a republic to be poor? Shall it operate as a crime and disqualify from the noblest function in society, the enacting laws? But I enlarge upon this only to show that I am, in my way of thinking, a *democrat*.

But it is not so much, in the extension of the right of suffrage, as in a delicate and just use of it, that the democratic character consists. Will you see a democrat practice unfairness in an election? Go upon the ground to canvass for himself, unless in the case of a ministerial office; and even in this, with great caution, and forbearance? Will you see a democrat, substitute, or change a ticket; much less introduce and obtain a vote for an unqualified individual? no real democrat was ever capable of this. It is with the aristocracy that these arts are practiced. They count it robbery to be stinted at an equal vote; and think it no injustice to make themselves whole by taking a plurality by whatever means in their power. This is all a usurpation of the sovereign authority; and in some republics has been punished with death. I own it is a misdemeanour; at least a disgrace; and no real democrat will pe guilty of it.

In countries where *the government is a fraud upon the people*, and the right of suffrage where it even pratially exists, is but a name; it may be thought innocent to deceive, and to slur our votes. For it is a buying and selling throughout. The candidate buys the vote, and has in the mean time sold himself He is oftentimes purchased, and paid in advance, and bribes with a part of the money that he gets. Not so in this heaven of liberty, where other stars glitter, where other suns and moons arise; this beautiful world of liberty, in these states. Perdition on the man that saps its foundation with intention; forgiveness, but reformation of error, to him who destroys it by mistake. And yet these last are more to be dreaded than the former. At least as much; because the error of opinion is

equally fatal, though originating from a different principle of the mind, and oftentimes founded in virtue.

Who ever saw a democrat keep an open house at an election for a place in the legislative boby; They are poor, says an aristocrat. They are poor because they are honest, says a democrat. At least, being poor, they are honest. I have seen open houses kept in a republic: and private friendship, or personal safety has sometimes stood in the way of my endeavors to bring the persons to account. But disapprobation, and a portion of contempt has invariably attached itself to the transaction. What man can set the world right? The greatest self-denial is obliged to yield sometimes to personal considerations. Hence it is, that I have often been silent when I saw fraud, and unfairness before my eyes. Fraud in elections, is at the root of all wickedness in the government of a republic. A man of just pride would scorn the meanness of succeeding by a trick; a man of proper sense would know, that in the nature of things, no good can come of elevation obtained by such means. Success by fraud. will never prosper. All men despise cheating at cards, or other games. He is turned out of company that is found guilty of it. And shall we restrain our indignation, or can we withhold our contempt when an individual is found cheating, not at a game of chance or skill amongst idle men, but in the serious business of real life, and the disposition of our lives, characters, and fortunes? I pledge myself no democrat is guilty of this; at least those guilty of it are not *democrats*. They are not true brothers; real masons. They have been made at a false lodge; and will not be acknowledged. Thus it must be seen, I found democracy in virtue; that is, in truth, honour, justice, integrity, reason, moderation; civility, but firmness and fortitute in the supprt of right; quarter to error of poinion, and aberrations of the heart; but death to ambition, and the vain desire of honour, witout just pretensions; and death to all knavery, and meditated hostility to the *rights of men*.

Digressing a little, or rather returning to what I have said on the first point, the right of naturalization, I admit that emigrants, come when they will, are likely to be in oposition to the existing government, or rather, administration. This de-

pends upon natural principles.—The governments of Europe are most of them oppressive, and it is oppression that drives, in most instances, the inhabitant from amongst them. The poor, or the most enterprising, are those that emigrate. They have been in the habit of thinking of a reform in the state of things in that country from which they come; it is natural for them to think that a little touch of their hand may be still necessary here. Did you ever know a new physician call in, that would not be disposed to alter the prescription, or add to it? What occasion for him, if there was not something to be added, or retrenchment made? Or how can he show himself, but in changing the medicines, or the regimen? Extremes beget extremes in opinions, as well as in conduct. The extreme of government, where he has been, leads to licentiousness in his ideas of liberty, now where he is.

Besides, it is in this revolution of administration, if he is an ambitious man, that he finds his best chance of ascending. He is therefore a demagogue before he becomes a patriot. I equiesce, therefore, in the policy of our constitution, and our laws, who prescribe a kind of mental quarantine to the foreigner though I incline to the generosity of those who think it unnecessary, and that such a great body of people have nothing to fear from the annual influx of a few characters, that may for some time, carry with them more sail than ballast. We had half Europe with us, in our revolution. We had all Ireland, the officers of government excepted, and even some of these. I therefore do not like to see an Irishman obliged to perform a quarantine of the intellect. I think it contributes to sour his temper and to fix a prejudice against the administration, under which the limitation has been introduced. However, this may be more splendid in theory than safe in experience, and I submit to the policy that has been adopted until the constituted authorities shall think proper to regulate it otherwise. In the mean time, if this book shuld be read by any foreigner of high parts and spirit, I would recommend it to him to suspend his judgment upon men and things, until he has examined well the ground upon which he stands; to repress ambition and the desire of office, until unsought, it comes to him, during which time he

may have become qualified to descharge it; and will have had an opportunity of finding out what he will finally discover, *that the best men are the most moderate.*

Intemperance of mind or manner in a foreigner, gives colour to the imputation that all are incendiaries. It becomes, therefore a matter of discretion, and just prudence on his part, to be cautious in coming forward to take a lead in politics, until he has well examined the field of controversy. But because foreigners may abuse the privilege, I would not exclude them by a law, did the matter rest on first principles. I should think myself justifiable in excluding from my society, and the government I had formed, the inhabitants of another planet, could they come from thence; because I do not know the kind of nature they are of; but men of this earth, of similar forms and of like passions with ourselves, what have I to fear from them? What right have we to exclude them? We are not born for ourselves; nor did we atchieve the revolution for ourselves only. We fought the cause of all mankind, and the good and great of all mankind wished well to us in the contest. With what anxiety did we look to Europe for assistance. We derived assistance even from the good will of nations.—It is an advantage to have a popular cause in a war. Have we a right to shut ourselves up in our shell, and call the society we have formed our own exclusively? Suppose we had a right to the government exclusively, have we a right to the soil? That is ours, subject to *the right of all mankind.* Pre-occupancy can give a right but to a small portion of the soil to any individual. To as much only as is reasonably necessary for his subsistance. All the remainder is a surplus, and liable to be claimed by the emigrant. If he cannot get his right under the great character of nature, without comming within the sphere of our government, and we hinder him to establish a society himself within ours, why abridge him even for a moment of the rights, immunities, and privileges of that which we have instituted? But I had not meant to keep up this subject, though I have inadvertently fallen into it. I shall drop it here, and go into the sequel of this important history.

CHAPTER VIII.

THEY now began to approach the new settlement. This bordering on the Indian country, the inhabitants were presumed to be half savages. It was thought proper, therefore, to approach them with a *talk*. Accordingly Harum Scarum was appointed for that purpose; and taking a saddle girth for a belt of wampum he set out for the frontier.

Passing through a wood, he heard the scream of a panther, and advancing, saw it on a tree. Taking this for a back-woods man, or half Indian, he accosted him in the vernacular idiom of a savage, which he had learned, from the Indian treaties in the newspapers. "Brother," said he, "do you want whiskey? We have a little in our keg at the camp. We have come here to bury the hatchet. It is two moons since we have been travelling Our squaws are all at home, or we have none. Have you got a little killicaneeque, that we may smoke the calumet of peace; brighten up the chain of friendship, and sit round our council fires? Our young men are behind with their tomahawks. But the great spirit has taken the cocks from their guns and they come to shake hands, and set their traps on these waters."

At that instant a settler on the other side of the wood, shot the panther, which Harum Scarum observing, ran in to help off with the hide, and became acquainted with the marksman. This was an introduction, and no farther was necessary. He took the skinning to be *scalping*, and that it was one savage that had shot another, and, as is the way of the world, he determined to take part with the conqueror. Assisting to flay the panther, that was lately his brother, he learned the news of the county town, of the new settlement, and gave account of the Captain, and his new comers, and brought the huntsman along, to taste their whiskey, and conduct them to the village.

It may seem strange that we hear nothing of the Latin schoolmaster all this time; but the fact is, that coming through the

lack-learning settlement, they had gagged him, to keep him from speaking Greek, and his mouth was sore for a long time after, so that he could not even speak Latin; but as soon as he got into the village, he began to ejaculate.

In nova fert animus, mutatas dicere formas—
Italiam, fato profugus, Lavinaque venit—
Nos patriam fugimus: Tu Tityre lentus in umbra—

There were several Indian traders in the town, who understood Delaware, Shawnee, Munsy, and Mingo, but they took this for Chippewaw, or as they pronounce it, Jibway, and did not understand it. They gave him, however, some boiled corn with bears oil in it, and threw him a skin to lie down upon.—Closing his mouth, with

"Odi profanum vulgus, et arceo."

He fell asleep.

The first thing a settler does, when he goes to the new country, is to look out for a spring. Hard by, he builds a cabin, of the stocks of trees, laid at right angles, and forming a square or parallelogram. A stone serves for a back-wall, and an aperture over it to give vent to the smoke.

The settler brings with him few implements of husbandry, because he is poor, and has them not to bring; or the carriage is not in his power, from the want of draught cattle. An axe, a mattock, a corn-hoe without a handle, perhaps plough-irons, an augre, and a saw.

His household furniture is a pot, a frying-pan, a kettle, and sometimes a gridiron. A few blankets, and a bed-tick to fill with oak leaves, is a luxury.

A cow to give milk, is almost indispensible; and the rifle, with a little ammunition sparingly used, supplies flesh for the family. He must occasionally take a turn to the settlement to get a bag of flour, and a quart or two of salt.

His horses, if he has any, range in the woods; and a good deal of time is spent in looking them up, when wanted for service.

A breeding sow is an admirable acquisition, big with pigs.—If he can bring one with him, which is most generally accom-

plished, he has soon a herd of them, living on the pea vine, that supercedes the casual supply of hunting, and covers the sides of the chimney with hams, just at hand to cut off and broil.

It is of great advantage to the settler to be able to handle a tool, and to lay a stone. It would be advisable, therefore in a father who means to send out his son, when grown up, to the new country, to put him some time to a carpenter, and to a stone mason. His own smithery he cannot well do, as an anvil, a pair of bellows, &c. are heavy to be carried; but the greatest drawback is, that he cannot resist the solicitations of his neighbours to assist them occasionally, and this takes him from the main branch of his improvement and cultivation.

The settlement is usually begun in this manner, and carried on by poor, honest, and industrious people. The town on the other hand, at the commencement, is usually a nest of adventurers, that have more wit than money, and more experience than industry.

A tavern-keeper or publican, that passes for *a republican*, to get custom; a horse jockey, a store-keeper, and a young lawyer, are the first that you find domiciliated in this metropolis.

The young lawyer, that had got to this place, was half starved, either because there was no other *to help him to breed suits;* or rather, which is most probable, because the state of society had not yet so improved, as to draw with it the inevitable consequent of valuable, and individual property, litigation, and law suits. The small controversies that had yet arisen, were determined by *arbitration*. These related chiefly to occupancy, and the rights of settlement; or contracts, *as simple as the subjects of them, and involving no intricacy*. But the inhabitants, either from the love of novelty, or finding the system of arbitration inadequate to the administration of justice, began to wish to have *fixed principles and permanent tribunals*, to govern and guard life, reputation, and property.

Not many months after the Captain had fixed himself in this place, and began to have weight among the people, there was a town meeting on this subject and it was proposed to have a code of laws, a court and advocates, as in other settlements.

Is it possible? said the Captain, being in the habit of speaking his mind freely. In the mid-land settlements, they are going to burn the lawyers, as they did the whiches in New-England; and as to judges, it is as much as a man's life is worth to resemble one; either in the brogue of his tongue, or the cut of his jib, I mean his hat! or coat that he wears; such is the odium, under which that profession, or corps of men labour. Arbitration is in every body's mouth, and *down with the courts.* A lawyer indeed! Raising the devil was in vogue in the middle ages of the church; but has been laid aside in christendom, since black cats became scarce, as without them there is a difficulty in laying him; but what can lay a lawyer, when he is once up? The hurricane which carries away the haystack, is nothing to the breath of his mouth that bears away people's property, by the fees which he exacts.

It was thus the Captain laboured to dissuade them from the proposition, with as much earnestness, and similar success as Samuel dissuading the people of jewry, not from a jury trial, but from monarchy, in the days *when they wished the kings to succeed judges.* And the fact is, that tyranny gets her best foothold on the backs of courts of law, and judges. But those judges had ceased to let the people "every man do what was right in his own eyes," and therefore they wished for monarchs and dsepots. For if they were not to have perfect liberty, it was as well to be hanged for an old sheep as a lamb, and were unwilling "to halt between two opinions."

But the people of the settlement before us, had an idea that courts of justice were the best preservatives of a republic; and bariers against monarchy, and despotism. They had got a maxim in their hands, pronounced by the latin schoolmaster when he rose out of his sleep.

Misera est servitus, ubi Jus vagum, et incognitum.

It is the worst slavery where the law is unknown, or uncertain. And they had found arbitration to decide like the oscillation of a pendulum, and all began to call out for something more stable.

CHAPTER IX.

OBSERVATIONS.

WHENCE does the uncertainty of law arise? Let us trace it. There is the *letter of the law*. Littera scripta manet; "*what is written lasts.*" But there is the spirit, that is *the construction* of laws. This depends upon the mind of the construer; and two men may not in some cases construe alike.

There is again the *application of the rule to the case;* and it is the mind that must apply. The history of these constructions and applications are found in what are called *reports.* But this history, like other histories, is not always the truth. No two judges or two lawyers will agree precisely in their statements of the same decision. Some particulars, omitted or added, makes the difference. Yet these are helps to establish the decision.

What is it that can correct the construction or the application as it was originally made, or as it appears in the report?—Reason. It was this at first made the construction or the application. Hence the maxim, "that nothing which is against reason can be law.

When the *usage and custom* which makes unwritten law, like the laws of a game at school, are in the memory of men, and the application of them to the case, depends upon two minds, it is morally, but not physically certain, but the application will be the same. But in all these cases both of usage and custom, or of written law, there is a *higher degree of certainty* than where there are no positive institutions, or rules at all. Which is most likely to establish certainty in the transmission of usage and custom, or construction of statutes, the occasional application of the law, by arbitrators, who have little knowledge of positive institutions, or tribunals in which records of legal proceedings are preserved, and men are employed who have devoted their lives to the study, and to the perfect knowledge of which they do not find a life sufficient?

Visionary men, like Rousseau and Godwin, have seldom more in view than to support paradoxes. The ability is shown

by the novelty or extravagance of the proposition. Godwin, in his Political Justice, with great brilliancy, supports the idea of deciding every case *on its own peculiar circumstances*, according to the notions of equity which lie in the breast of the judge. This is what is done in Constantinople. But it is to avoid this that laws are enacted, and means used to procure uniformity of construction and application in a free country. The object is to produce *certainty*.

The imperfection of human judgment produces uncertainty. This must be greater in proportion as there is no buoy to steer by; but a greater difficulty arises in the administration of the laws, *to guard the consciences of men*. Which is most likely to secure this? Tribunals open; and it is a principle of our law, *that the courts shall be open; and shall be held at known times and places*. Can arbitrations have this requisite? It is a principle of jury trial, that the jurors who are to try a particular cause, cannot be known until they go upon it; and after hearing they are to be kept together without speaking to any one until they are agreed. There is not that opportunity for labouring a jury that arbitration presents.

At the same time I am not one of those who frown upon arbitrations; or think those unworthy citizens who meditate or inculcate the idea of what has been called an *adjustment bill*. I profess myself a *reformist;* and with regard to others who attempt reforms, I am not ready to cry out, "they that have turned the world upside down have come hither also." I have been for letting the experiment be made. I know the consequence that it will soon be laid aside. Perhaps something might be retained of it that may be found wise. But the difficulty of getting men together, that act not immediately under a compulsory process, and thus keeping them from being tampered with; independent of arbitray notions of right or wrong, and unassisted reasonings, will be found to be such, that men, who, in the sincerity and benevolence of patriotism, have called for the system in the extent contemplated, will be the first to recede, and acknowledge that there is a difference between what is *rational in theory and practical amongst men*.

No one can have a greater contempt of pedantry and opposition to reform *in principle or practice* than I have. A profes-

sional man thinks himself learned, because he is technical and knows the terms of his art, as a workman his tools; but has become shackled in forms and a slave to precedents, and has no horizon of original thought and comprehension. He cannot recur to the correctress, reason, or to experiment, the source of improvement amongst men.

At this particular time there is a fermentation of the public mind with regard to the administration of justice. I have no fear for liberty, provided *the form of government is left untouched;* for a generous constitution will soon give warning of the malady, and *on an error in reform a fever will ensue, and demand to be expelled.* The wounding or destroying *a principle of the* constitution *affects liberty, as taking away the trial by jury in the courts of law;* or placing the tenure of a judicial commission *on other grounds than on what the constitution has placed it;* and the like vital parts of the system.

To reform with *safety* requires a perfect knowledge of the subject of the reform. To reform the law, either in its principles or administration, requires a lawyer; a scientific and philosophical lawyer: not a pedant, even though on the bench of justice. Natural narrowness of mind or technical contraction, unfits for this. But an unreasonable jealousy of professional men is to be avoided. There is such a thing as patriotism on the bench, and on the bench *what interest can there be but to lessen service?* Interest therefore here, is not in the way of extending settlement by arbitration, so far as it may be practicable, and consistent with the preservation of the *democracy.* For be assured *that the recoil of a measure hurts the authors more than those against whom the ordinance may have been directed.*

But difference of opinion produces ill will. A man and wife will separate on a disagreement which has taken place about fixing a hen-coop, or laying out a bed of parsley. Christians have burnt each other, because the one would say *off* and the other *from;* and what man of sense doubts but the burner and the burned were equally good men? The creeds, confessions and commentaries of the one were just as orthodox as the other, but not precisely the same: *and the nearer they came together the more wrath.* This ought to teach in politics, at least *concession and forbearance.*

If objects of sense mock the senses and deceive vision, how much more things in the political or moral world, which we cannot comprehend but by *reasoning*? What a farce it was in the year 1779, in America, to see committees formed from the one end of the continent to the other, instituting regulations of the prices of commodities at a standing value, when the medium of circulation continued to depreciate? The thing was absurd; yet I recollect Thomas Paine, an uncommon, but uninformed man, was a secretary to a committee, and an enthusiast in the project. The committee regulated "that a measure of fine flour should be sold for a shekel, and two measures of barley for a shekel, in the gate of Samaria;" but neither barley nor flour were brought to market, and as there was "no reasoning with the belly," the space of ten days undeceived the projectors.

The chemist tells us of substances that *decompose*, which is a process in order to the composition of other bodies; but that it depends upon a knowledge of the properties and quantity, whether the ingredients constitute a *poison* or a *medicine*. So may it be said of the *spirit of reform*.

The practice of the courts in Pennsylvania, is rendered *simple* to what it is in England, and could be still improved, as it would seem to me; either by the law of practice, which the courts themselves have the power of making, or with the aid of the legislature. But it is only a scientific man that understands the system, as a farmer knows his grounds, who can easily and with safety complete the reformation. The law itself is much improved in Pennsylvania, both criminal and civil, and I am not sensible of much wanting, but in *the organization of the tribunals for its administration*. Now it will not do to make a law that there shall be no *litigation*; or *that every man shall know the law*; for such a law cannot be carried into effect. I doubt, then, whether it will be found satisfactory to provide "that every man shall be his own lawyer," and his neighbour's judge in the capacity of *arbitrator*.

The excellence of jury trial is sanctioned by immemorial usage; and is secured to a certain extent by the constitution. What is that extent? "*Trial by jury* shall be as heretofore."

This mode of trial has its laws. Does the constitution mean that *the laws of this trial* shall be as heretofore? or does it mean any thing more? It may mean that it shall be the *mode* of trial in the same tribunals as heretofore; that is *the courts of justice*. Does it mean to bar extending the jurisdiction of the justice of the peace in point of action? This is a great question.

I admit that screwing up the construction of the constitution too tight, the public mind will revolt against it. Driven to a contention, much that is valuable in the constitution might be lost in that torrent which an overstrained construction had produced, like waters in a dam without a flood-gate. The discretion of the legislative body must not be too much disputed. It produces the very effect, in some way or other, which the over cautious apprehend. While the great boundaries of the constitution are unbroken, I do not fear much from those laws which regulate the police of justice, and may be enacted, and continued as the experiment may seem to justify, But I wish to see the democracy move in the groove of our noble constitution; like one of the heavenly bodies preserving its orbit, and bidding fair for pepetuity. For this reason, I am afraid even of experiment, in a case where there is doubt, and which is of great moment and delicacy.

CHAPTER X.

IT is full time we return a little, and see what became of the bog-trotter, whom we left in the capacity of judge. This will best appear from a report of a case tried before him, and which has been kindly furnished us by lawyer Tarapin, who was counsel in the cause.

REPORT. *Slouch* vs. *Crouch.*

This was an action of assault and battery, with two counts; the first for assault and battery; the second for an assault.—The case as it came out upon the evidence, was as follows

Upon some ill words given by Crouch, as villain, Grouch made a blow at him with a cudgel. Crouch crouching, as the

name imports, let the blow slip over him, which lighting upon Slouch, broke his head. Upon this Slouch had brought his suit against Crouch.

Lawyer Tarapin moved for a nonsuit, on the ground that the action ought to have been against Grouch, whose stick, though intended against Crouch, yet trespassed, and hit upon Slouch.

Lawyer Heberden for the plaintiff, thought the action was properly brought, and that Crouch, who gave the ill words that occasioned the outrage, was responsible for all the consequences; that he had no right to take his head out of the way; but that it ought to have remained at its post, which had it been the case no blow could have fallen upon Slouch.

With the names, with terminations of a like sound, and the intricacy of the case, the judge was puzzled, and getting in a passion, snatched a staff from a constable, and fell upon the suitors. "By my showl," said he, "I will be after bating de whole o'd you togeder. A parcel of spalpeens and bog-trotters to be coming here bodering me wid your quarrels, and your explanations; better fight it out like men of honour wid a shelelah, and not come here to trouble de court about it."

He had broke the heads of several, and was laying about him with the constables' staff, the clerks not being able to interfere because they were blind, and the citizens not being willing because they were afraid; saying the culprits were in the hands of the judge, and it did not behove them to take the law into their hands, and resist the execution.

However, the result was that the proceeding broke up the court, and the blind lawyer, fiddler and bog-trotter had to leave the country.

The bog-trotter followed the Captain, and the blind lawyer and fiddler followed him, to the new settlement.

It was just at this time they came in, when the people were in commotion about the courts of justice. It was opportune, and occasioned them all to be provided for by the influence of the Captain. Things were reversed in some measure, from what they were in the country below; for the blind lawyer was made the judge; the fiddler the crier of the court, and the bog-trotter a constable. The piper of whom we have spoken, and who was an emigrant with the Captain, there being no bell or

drum in the town, opened the first court at this place with his bagpipes.

There was nothing now wanting but a lawyer, and that was not a want long; for as one rat brings another, so lawyer brings lawyer. The one here already was soon paired, and these two, like stool pigeons, attracted others; so that in a short time the whole settlement was full of them.

THERE was now a talk of encouraging a printer. Some thought there were typographical errors enough in the world. However, the people were disposed to multiply them, and accordingly a printer was encouraged. He set up a paper which he called the "Twilight." For, as there was a "dawn" in the east, it seemed reasonable there should be a "twilight" in the west. The Evening Star, and the Western Star have been names of gazettes; but Twilight, for any thing we have heard would seem to be original. The dawn,

——"That sweet hour of prime,"

In the language of Milton—One of his most beautiful paintings is that in which he speaks of it as introducing the sun,

——————————Jocund to run
His longitude through Heaven's high road; the gray
Dawn, and the pleiades before him danc'd,
Shedding sweet influence————————

The "Dawn" is a modest appellation for a paper, bespeaking the beginning of light. The "Twilight" not less so, meaning that small degree of it which remains after the sun is set.—The device was an owl, a cat and a bat; the owl an emblem of wisdom, the cat of vigilance, the bat of impartiality, being of equivocal formation, and doubtful whether bird or beast. At the same time these animals are all of the "Twilight," and therefore appropriate.

The motto by the Latin schoolmaster,

——Si quid superesset agendum.

Clonmel the ballad singer, furnished a few verses to introduce the publication. The composition was none of the best; but it was suited to the occasion.

The dawn and the twilight, have both but small skylight,
Yet pleasant are both in their prime,
For think of the noon and the hot burning sun,
O, this is a far better time.

Hence name we the paper, and light up a taper
To lighten the clouds of the west.
If not the best skill, yet have the best will,
To make this our paper the best.

We want a little money to begin with, dear honey,
So bring it and take you the news.
Have a little heart, nor be sorry to part,
With a trifle like misers and Jews.

We shall tell how the Spaniards, dress hides in their tanyards,
Or curry their leather in France.
And when that we come to things nearer home,
You shall hear of these just at once;

Who's married; who's broken; who is shot, or choken,
By himself, or the hand of the law.
What dress is on foot, who has got a new clout,
To tickle the fancy and draw.

The lads that can write now let them indite,
And here come speak their own praise;
On politics or pride, or threshing the hide,
Of judges and lawyers now-a-days.

'Tis all one to us, what the blunderbuss,
So that it but makes a noise,
So down with your ink pots; thinkers or think nots,
And help out our journal, brave boys.

Harum Scarum was a contributor to the paper, and dealt in fabrications and intelligence, Will Watlin gave dissertations on economics, taming wild geese, and brewing beer out of wasp's nests, Tom the tinker hankering after insurrections, struck his hammer on the government. The Latin schoolmas-

ter was now employed as an Indian interpreter, passing his Greek for the Chickasaw ; nevertheless found time to furnish a distich or hemistich or Latin epigram occasionally. O'Fin was a politician and brought down his flail upon Bonaparte, and said, had it not been for his usurpation, there would have been a republic in Ireland. The bag piper was a merry fellow, and brought his talents into hotch-pot in the way of essays upon *drones ;* shewing their use in a commonwealth. Thus few papers were better supported than the Twilight, and it had subscribers. The great variety of talents,

Quoniam sic positæ, suaves misscetes odores,

Said the Latinist—the great variety of talents could not fail to furnish something to hit the taste of every individual ; and it is not so much, excellency, as variety that pleases. The most odoriferous shrub or rose ceases to delight, and we turn to another bush, or take up even a less fragrant flower.

The passions having their vent in a gazette, saves battery and bloodshed. In this view of the subject it is an aid-du-camp to the laws ; and if it should be thought eligible to extend the province of the press, and to canvass all matters depending in a court of justice, it will be an accessary to the practice, and a great acqusition in a free government. But this I leave to the discretion of the legislature.

The bog-trotter wrote little, in fact nothing. He was busy serving process in the capacity of constable ; and in one of his excursions met with an accident. He set his foot on the spur of a horse-jocky ; which, in this new country, from the prick of the roller, he took for a rattle-snake. Not waiting to look behind him after it made the impression, and left a puncture like the tooth of a serpent, he made his tour to the town with great howling and lamentation. A ligament was drawn tight about his ancle, and the leg stroked down and the flesh pressed towards the orifice. Cold water from the mouth of a tea-kettle was poured upon the wound, with a steady current from a considerable height. Finally, certain roots, pointed out by the Indian traders, in a cataplasm were applied to the foot, bandaged up for a fortnight, until all appearance, I need not say, of poi-

son, for there was none, but all apprehension of poison and mortification was removed.

It will not be understood that I record this incident as an evidence of pusillanimity in the bog-trotter. For a man of the firmest mind, might reasonably conceive an alarm at the idea of being bitten by a snake. Such is the horror in the human mind at even the touch, much more the bite of such a reptile.

Milton represents the tempter as seducing Eve under the form of a serpent, and endeavors to render that form amiable by description,

> ——Inclos'd
> In serpent, inmate bad, and towards Eve
> Address'd his way, not with indented wave
> Prone on the ground, as since, but on his rear,
> Circular base of rising folds, that tower'd
> Fold above fold, a surging maze; his head
> Crested aloft, and carbuncle his eyes;
> With burnis'hd neck of verdant gold, erect
> Amidst his circling spires, that on the grass
> Floated redundant: pleasing was his shape
> And lovely; never since of serpent kind,
> Lovelier.

It would seem to me to have been an oversight in Milton to make the tempter assume the snake. For he is not supported by the Scripture. The idea in Genesis is not that the tempter was in the guise of a serpent; but of some creature which was, for that very act, condemned to be a serpent. "Upon thy belly shalt thou go, and dust shalt thou eat all the days of thy life." It is a metanomasia, or post-nomination, "The serpent was more subtle;" that is, the beast which we now call a serpent, was then the wisest of the field. It is impossible to imagine that creature, which would seem to have been changed; for we can no more imagine a new creature, than create one. When the poets feign a griffin, it is but a winged beast. The Orc of Aristo is made up of parts that are taken from animals in nature.

But, it is to be presumed that the animal assumed by the tempter must have been next to the human, the form the most

beautiful in nature. The poet represents the transformation as denounced in the garden,

——Without delay
To judgment he proceeded on the' accused
Serpent, tho' brute, unable to transfer
The guilt on him who made him instrument
Of mischief, and polluted from the end
Of his creation; justly then accurs'd.
As vitiated in nature————
Because thou hast first done this thou art accurs'd
Above all cattle, each beast of the field;
Upon thy belly grovelling thou shalt go,
And dust shall eat all the days of thy life.

I would have expected the metamorphose at this time and place.

His visage drawn he felt so sharp and spare,
His arms clung to his ribs, his legs intwining
Each other, till supplanted down he fell
A monstrous serpent on his belly prone,
Reluctant; but in vain, a greater pow'r
Now rul'd him, punish'd in the shape he sinn'd,
According to his doom.——

Since my first reading of the poem, I have been struck with the incongruity of representing the animal which the tempter assumed, as being a serpent in the first instance. Yet there is classical authority for supposing it possible, that a serpentine form could be the subject even of affection:

Lovelier; not those that in Illyria chang'd
Hermione and Cadmus, or the God
In Epidaurus, nor to which transform'd
Ammonian Jove, or Capitoline was seen,
He with Olympias, this with her who bore
Scipio the height of Rome.

And Dryden in his ode on St. Cecilia's day————

When he to fair Olympia prest,
Awhile he sought her snowy breast,

And then around her slender waist he curl'd,
And stampt an image of himself, a sovereign
of the world.

Strange as it seems to me, the ancients in some countries, appear not to have had this horror of serpents. In the temple of Esculapius, the god himself was said to visit his patients disguised under the form of a great serpent, the caresses of which reanimated them with new hope. Serpents in general were consecrated to this god. "He appears to have had a particular predeliction for those found in the neighbourhood of Epidaurus, which are of a colour approaching to a yellow, have no poison, are tame and gentle, and love to live in familiarity with man. That which the priests keep in the temple, will sometimes wind round their bodies, or raise himself on his tail to take the food which they present him on a plate. He is rarely suffered to go out, but when this liberty is permitted him, he walks majestically through the streets, and as his appearance is deemed a happy omen, it excites universal joy.

"These familiar serpents are found in the other temples of Esculapius. They are very common at Pella, the capital of Macedonia. The women there keep them for their amusement. In the great heats of summer, they wind them round their necks like neck-laces. During my stay in Greece it was said that Olympia, queen of Philip king of Macedon, had one of them, which she frequently took to bed to her, and it was even added, that Jupiter had taken the form of that animal, and that Alexander was his son."

Translation of Anacharsis.

Nevertheless, I still think that the more natural allegory in Milton, and better supported by the scripture, would have been the idea of some creature the most beautiful, as well as the wisest, tempting Eve, and thence, as a punishment, undergoing transformation. So much for criticism.

CHAPTER XI.

INACUS founded Argos; Cecrops Athens; Cadmus Thebes in Bœotia; Romulus Rome; and Penn Philadelphia. Now who formed the town of which we are speaking, cannot be said; for it was founded by a congluvies of mortals like the company of David, in the cave of Adullam. "Every one that was in distress; and every one that was discontented, gathered themselves unto him." Amongst these a broken judge came in, who complained that he was unjustly broken.

A word with you friend, said the Captain. Were you not tried by a competent tribunal?

Yes, said the judge; but the judgment was unjust. Why not appeal? It was the tribunal in the last resort.

What, said the Captain; can there be an error in a dernier decision? What is it, according to yourselves, that makes the law, but decision? Precedent is authority. What has reason to do in the case? Once it gets into the books and becomes a case, let me see what judge can undo it, or question the reason of it. It has become law. *We must take the law as we find it.* If Holt has once said it the game is up; or Buller or Kenyon. It is a knock 'im down argument, that Patterson has ruled it so; or Washington or Marshall. It is the construction of the judge that makes the law. It is the application to facts proved, or admitted, that makes the case; and the application being by the constitutional tribunals, there is no more to be said about it. Positive institutions are arbitrary things, and there is no reason necessary that they are as they are. You a judge, and talk of an unjust judgment, where it has been given by those who have alone a right to judge! This shows that you were not fit for your office: so turn in there, we will do the best we can for you; but no more caterwauling about the injustice of your sentence; you sent many a man from your decisions, I will undertake to say, dissatisfied—but the law had determined it; it had become a case, and there was an end of the disquisition.

The judge hung his lip, and turned into a cabin.

A young doctor had come here. What *learning* he had before he came, is not of so much consequence, as what *practice*

he had afterwards. One thing he had acquired, the cant of a physician, that had he been called sooner, before the constitution had lost its tone, or nature her diathesis to co-operate with the medicine, a cure might have been effected; and even as it was, by preserving regimen, something might be done. The quack taking care to find out first what the patient liked best; and especially prohibiting that, because, as he knew, the indulgence could not all at once be restrained absolutely, it was morally certain the patient would transgress a little, and furnish the complaint with a pretence to stick by him in spite of the faculty.

A young woman had been found in the woods, naked, gagged, and had been, as she said, tied to a tree. The account she gave was that she had been taken out of a *nunnery* in Canada, where she had been educated: was on her way to her father in Kentucky, a rich man; had been robbed of a thousand doubloons by her conductor, stripped of her silks and muslins, and left to perish in the wilderness. Imagination or philanthropy saw truth in her history; and she was fed and cloathed, not as the law directed, but as humanity dictated, and brought into good company.

At the first discovery of her, she was thought to be a mortal; but in a short time she was conceived to be an angel. There were an hundred that would have married her, had it not been for this distrust of being real flesh and blood. But by this time it began to be found out or at least suspected, that the nunnery had been no farther off than a city of these states, and under the care of brothers, rather than sisters; and where the employment was something else than needle-work. In the opinion of most persons she became a mortal that had put off her duds; and except in odes or dithyrambics, we hear little farther of her as a divinity.

The preacher of the town was a methodist that had been a horse thief; and when he had taken his text and was warning from the like offence, and telling the danger of it, he would put back his wig and say, you see I have lost my ears by it.

Ecce signum, said the Latin schoolmaster;
Segnius irritant animos demissa per aurem,
Quam quæ sunt oculis, subjecta fidelibus.

At an early period, the ceremony of marriage had been dispensed with in this town, as is the case where there are not magistrates or priests at hand to officiate, and make the legal copula, or knot of marriage. Diana and her nymphs; the three graces and the nine muses, are represented as not marrying at all. It is to be presumed that it is owing to the same cause, the absence of the justice of the peace or the parson. But it is always spoken of as the first step towards civilization, the coupling in marriage.

——————Sancire leges.
Concubitu prohibere vago.

The Captain being elected governor of the new state, paid attention, in the first instance, to this matter of police, and directed the girdle of Hymen, to be added to the zone of Venus, in all cases where it had been yet wanting. The settlement in a new country is, in some respects, delightful; the country in its virgin state, before the underwood is browzed upon, and the luxury of flowers and shrubs is repressed by beasts of burden, or the labours of the husbandman. It has seemed to me that the streams run clearer in a new country than the old; they are certainly more abundant. The cultivation of the soil uncovering the vallies, lets in the rays of the sun, which drink up the moisture, and open fissures in the earth, where the streamlets sink and disappear.—Hence it is that we read of brooks and rivulets in the classic and long cultivated countries, which bubble now only in the song of the muses—

"Sunk are their fountains, and their channels dry."

The natural moss on the margin of the fountains and the rivers in a new country, are greener, and furnish a more romantic seat,

Saxo sedilia vivo,

shaded by the umbrage of the forest, than the clover of the meadow; or the artificial bank and bowers of the garden itself. How delightful the small parties that are made upon the water of the rivers in skiffs or canoes, or in the shades of the forest, and near a spring head, at a fete champetre or barbecue, where the company assemble, nor yet divided by the classifica-

tions of wealth or pride! I do not wonder that the young people of the Israelites were apt to be seduced to sacrifice "in high places, on hills, and under every green tree," even though prohibited, inasmuch as these situations were so delightful, at least in the summer seasons.

"The flowers of the forests are a' wed away,"

In the old school ballad is a fine expression: for the flowers of the "forest" are unquestionably of a more lively bloom and finer odour than those of a garden; and that atmosphere of fragrance, which, from a wilderness of verdure, pours upon the senses, overwhelms with delight. There is no ague or fever here; for the exhalation from the foliage is aromatic to the smell—The gale is not tainted with miasmata. The air is a bed of perfume, and the vapour tastes of nectar and ambrosia.

Such scenes, and such air must be salutary. Whatever the component parts or qualities, hydrogen or oxygen, of which the chymists speak, certain it is that the air breathed from plants and flowers is favourable to health and longevity. Inhaled by the lungs, it is restorative to the tabescent, and as a vapour bath to the whole body is salubrious. A ride from the sea coast to an ultramontane settlement in the spring of the year, is resuscitation to an almost dead constitution.

But it would seem to be owing to other causes than mere bodily vigour and health, that the inhabitants of a new country appear to have more intellectual vigour, and in fact more understanding in the same grade of education, than the inhabitants of an old settlement, and especially of towns and cities. The mind enlarges with the horizon. Place a man on the top of a mountain, or on a large plain, his ideas partake of the situation, and he thinks more nobly than he would under the ceiling of a room or at a small country seat.

It may be that the change of situation gives a spring to the mind, and that the intercourse with that variety of characters which emigrate, increases the stock of knowledge. Whether owing to these, or other causes, it unquestionably appears to me, that the ultramontaneer is, in general, the superiour man, in the same occupation and pursuit in life. This would seem to hold good out of the learned professions, which require a

propinquity to the libraries of Apollo, as well as the seat of the muses; but we have in view chiefly that natural sagacity, and discernment of spirit, and strength of mind which constitutes mental superiority. Perhaps it may be that the most active spirits are those that emigrate; or that people put to their shifts, which is the case in a new country, acquire a vigour of mind proportioned to the exercise.

There is one thing observable, that, in a new settlement, society is coveted, because it is scarce; and mutual wants produce reciprocal accommodation. The emigrants coming also, from different quarters, and hitherto unknown to each other, do not bring with them latent, or professed enmities; and the mind, *ira, amicitia vacuus* is open wholly for new impressions. Family feuds, of an old standing, or of recent inception, do not exist. The absence of all chagrin is a state of mind more easily coveted than explained, either as to its sensations, or as to its consequences. But it is a main spring of happiness in a settlement, that the improver begins upon a new plan, and upon his own scale; and he has his shades and his avenues at once, without waiting for the trees to grow. There are neither ruins, nor vestiges of decay before his eyes, but a young country receiving young cultivation; just at the will of the possessor, without the necessity of sacrificing taste to what had been begun and half finished. Suffice it to have said these things to the encouragement of young people who may not be well provided for by those before them, and are disposed to seek their fortunes dependent only on themselves.

CHAPTER XII.

THE Captain, in the capacity of governor, began to turn his thoughts towards government; and considered with himself what had been the means of governing men, from time immemorial. This he found might be comprehended under two general heads, *fear* and *affection*. The *priest* is an adjunct of fear, because he holds out the horror of what is to come, or is invisible.

What the origin of sacrifices? The true religion ordained them being of mystical type and signification; the false, in order to be like the true, and also, because not having tithes, these became doubly necessary for subsistence. For when a bullock was offered up to the gods, the smell went to them, but the taste to mortals. It was not that any thing could be got out of viscera, that tripes were inspected; but because this could not be done until the cow was killed; and in that case, *the priest got a beef-steak*. What contempt would one entertain of the Haruspices, poring over the entrails of cattle, in order to ascertain the events of futurity, if he had no idea, all this time, that it led to a *barbecue?*

Having discovered this, he would do the past ages more justice, and would be disposed to acknowledge, that men were not just such fools, heretofore, as he had thought them to be.

But what the origin of human sacrifices? That has a deeper foundation. It was not that Gentiles devoured them; or were cannibals. But, it was a state engine, and under pretence that a human victim was desired by the gods, some individual, obnoxious to the government, was pointed out by the priest, in collusion with the officer, and made the holocaust. We have a proof of this from the poet Virgil, who puts a tale into the mouth of Simon, viz. that a victim being necessary to procure a favourable wind to the Greeks to return home, Ulysses, having a grudge on an old account, got Calchas to denounce Pil Garlick, as the one the gods had pitched upon; and accordingly being marked out for the altar, he had run off. In the Foola country, according to Winterbotham, whom we have already quoted, the Bandoo woman is made use of by the Purra, to single out the culprit that is to go to pot and be knocked on the head. In the South Sea islands, it is the usual policy. A letter from a missionary at Otaheite, tells us that the emperor of that island, lately dead, had offered up in his time, at least two thousand human persons. These were, doubtless, such as had been in opposition to the administration.

Lettres de cachet, had answered this end in France; the inquisition in catholic countries, which was an ecclesiastical tribunal, served the same purpose.

The clergy in free states, are useful to government ; but not in the same way. It is by inculcating obedience as a divine precept, and a moral duty. This is the only "alliance of church and state," that exists in this country. Or if the clergy here do not touch upon politics at all, yet by teaching such doctrines as lead men to virtue, they make them good citizens. Even the Calvanist, though he talks of nothing but faith, and *spiritual affections*, yet produces the effect of good works. So that in fact he comes to the same point with the Arminian who talks chiefly of good works.

In the ancient republics, founded like ours, on *reason, and the laws*, the power of speech was the great means of keeping men together. Hence the orators of the popular assemblies. With us the press is the great pulley, by which the public mind is hoisted, or let down to any sentiment. It is a wonderful block and tackle, so to speak, on board the state ship. It can overthrow a good administration, and for a while support the bad. But the press cannot exist but by liberty. Nevertheless the freedom of it may be lost by its own exertions. The intemperence, and indiscretion of the journalist, propels to popular excesses, which subdue the laws ; and bring despotism. See the French revolution.

These were the reflections of the governor, who thought it fortunate that a press had been established in his government as a vehicle of information, but was a little afraid of some of the correspondents ; *Harum Scarum ; Tom the Tinker ; Clonmel the ballad singer ; Will Watlin, and others. O'Fin the Irishman*, was an excellent flail man ; but threshing grain, and threshing in a newspaper, require, if not different powers of mind, yet at least different cultivation. He was an honest good hearted fellow ; but as on a barn floor, an unskilful, or careless person will bring the voluble end of the jack-staff about his own head ; and hurt ; so it is with a politician who enters the list with a view to do good ; but, from mistake of the true interest of the body politic, does harm.

Under this idea of the effect of a journal to guide, or mislead the public mind, the Governor solicited an interview with the author of the "Twilight." After such introductory compli-

ments and observations as may be presumed on the occasion, the governor insensibly drew him (the editor) into a conversation on the subject of the press, and his gazette in particular.—Editor, said he, your good sense I know, and your patriotism; but I am afraid of your being a little too much carried away with the spirit of the times, economies; dissolution of courts disuse of codes of law, and invectives against lawyers. There is a medium in all things. This may be carried too far. Would you not think it prudent to restrain this downhill speed a little As to attacks upon the administration, or the policy of measures merely executive, or even the constitutionality, or expediency of a law, I should think the greatest freedom may be used; or the public conduct of men in office may be canvassed; though, by the bye, I should not think the public had any interest in their amours, their costume, as for instance the cut of their pantaloons, or the colour of their breeches; or peccadilloes, even in the breaches of decorum. Such restriction may perhaps be laying an anchor to windward in my own behalf, as I am not the most exact of all men in these particulars. But I ask or wish for no indulgence, on the score of official acts; let them be the subject of your examination, and strictures. At the same time taking the rule of humanity for your guide, as expressed by the Poet:

"Nothing extenuate, or set down aught in malice."

But I advert chiefly to such sentiments, as poison in respect of the elementary principles and constitutions of government itself, and the prostration of those establishments on which the security of *property*, *reputation* and *liberty depend*.

You will assign to us typographists a very narrow sphere, indeed, said the editor; and you will strike away from us the *footstool of all our popularity*. What is it to the macaronie, whether you acquire territory to the republic, or lose it; but what is the fashion of your boot, or the cape of your coat? What is it to a female, whether you wisely sanction a remedial act by approbation, or negative it? But whether you keep a mistress, or ever had one. The taste of our subscribers is as various, as their faces, and we must please our subscribers. Every body can understand scurrility, but it requires one to knit the brow

to take up a report on the finances. As to the taste of the time, we must fall in with it, if we mean to keep on the popular side of the question. The rage is now economies, and down with the lawyers. We cannot avoid harking in a little. You are not to take it for granted that we speak our own minds in every thing you see in our papers; no more than an advocate who is employed on the wrong side to plead: it happens to fall to his lot, and he finds his account in it.

Cannot you fill up your journal, said the Governor, or at least a great part of it, with essays on agriculture; experiments in chemistry, mathematical problems, or love adventures, years ago, or at a great distance? Let the goverors, and the laws alone, since you cannot speak of them according to your own judgment.

That would never do, said the editor. The public would not take half the interest in it. Finding fault is a secret satisfaction, and the source of great delight to the human mind.—Hence slanders in society. Why not much more in public life? When a man builds a cabin, it pleases us to object to the plan, or something done about it; much more when the subject of our remark is of a high and noble nature, such as a measure of the executive.

The fact is, a newspaper is a battery, and it must have something to batter at. Where the editor is a friend to the executive, or the legislative part of the administration, he must make a butt of the *judiciary*. It is against this he must bring his catapult, or battering ram, to bear. Fortunate the man who is unentrammelled with any attachments, or restraints of affection, gratitude, or obligation; he has the whole before him, and he is not under the necessity of slackening his efforts, at one angle, lest he should affect another. A clear field, and no favour. That is the province of the printer. An advocate seldom finds it his interest to be retained by a suitor altogether. And as to building up systems, that is what we do not so well understand. We leave that to the sages, and philosophers, with whom we are naturally at war. It is not our fort; every man has his faculty. One to spin a rope; another to pick oakum.

Well, said the Governor, you must take your own way. I

had no idea of shackling the press, but only of suggesting such hints, as might conduce to its credit, and the good of the community.

I do not know, said the Governor to the Chief Justice, the blind lawyer who was present; the editor now withdrawn; I do not know, said he, whether, notwithstanding my observations to the printer, something might not be done in settling suits, and composing differences in matters of property without such extensive codes of jurisprudence and court trials, with advocates, and endless speeches. I should like to hear your idea on this subject, Chief Justice.

Might we not do without such struggling to exist in other respects? said the Chief Justice. The acre must be grubbed; the maize planted; the sickle is necessary. Why clothing? at least why tailors. Skins, or a plaid might answer. Why houses? It is probable that mankind had tried the acorn: the bear skin; the cave, or the hut before these. Must they return to this state, to see whether they cannot now do without them?

The presumption is, that before laws, men had tried what it was to dispense with them. Jury trial would not seem to have been an invention, all at once like the cotton loom by Arkwright. It is probable that it was considered an improvement upon arbitrations, when it first came into use. But it would not seem to have been adopted all at once, but to be the result of successive amendments. In fact, it is nothing but a mode of arbitration by the vicinage, uniting with it the advantage of a court to inform as to what the law is, and furnishing an executive authority to carry awards into effect, and execution.

This trial is of immemorial usage, and hid in deep antiquity. If we had its history, it would be seen that its laws, are the result of gradual accession; and these added from an experience of defect. Just as in our own time, and in these states, we find amendments, or at least, changes in the summoning, return, impannelling, or serving of juries.

The privilege of counsel in capital cases; as to matters of fact, or witnesses on oath, is but a late acquisition in England. And the presumption is, that at least, as to the privilege of counsel, it did not originally obtain in *civil cases*. But that the

prerogative of the crown had impeded this improvement in the criminal laws, so that it did not keep equal pace with that in the civil. Yet with us it begins now to be thought a grievance to have counsel in any case. It seems to be a wish of many to try a system of judicial determination without it.

What would be the effect of the experiment of simple arbitration? said the governor.

An injury to credit, said the chief justice: men would not so readily give trust, knowing that the screw of the law was relaxed, and they could not so readily recover what was due to them; of course it would reduce contracts, and bring matters to the immediate exchange of money and commodities.—In the third place it would shake the security of property, real and personal; on account of the uncertainty of holding it, the rules of evidence being rendered uncertain before a tribunal having no rules; and also on account of having no principles of contract or use, but the notions of rig ht and wreng, in the breasts of the auditors; and these as changable as the different sets that sit upon a controversy.

In the last place, it would check, if not put a stop to all improvement. A great object of the social compact is, the security of private property; the ascertaining and protecting meum and tuum; the mine and thine of possession. With sovereigns, the ultima ratio regum, is the means of redress in the case of an invasion. Of trespass with individuals in a state of society, what else but the laws? And what are laws without tribunals to lay down and enforce them? tribunals, not casual and temporary, but fixed and moving with set times, and the regularity of clock work; tribunals who have rules of property as well understood, and as certain in their applications, as the laws of gravitation or magnetism. When the barons met at Runningmede, did they complain of any thing more than the delay of justice? Nulli negabimus, nulli deferemus justitiam, is a provision of magna charta. Could there be steady justice, otherwise than by a proper organization of courts and juries? Not unless we take the short way of despotism, and appoint subordinates with a prompt power, and arbitrary discretion. Trial by jury and the constituted courts, had been in use time out of mind, before magna charta, and more than eight hundred years

since, it has been tolerated, nay prized, and the constant subject of eulogy; notwithstanding what I consider as that which might be the subject of amendment, the *principle of unanimity*. It ought not rashly to be changed, in *the essential law of its nature, that it shall be annexed to a court where men sit, who are learned in the usages and customs, or written laws, of the society*. Human wisdom never has devised an equal mode of uniting the means of *ascertaining fact and applying law*. It is the life-giving principle in this regulation, that the jury and the court are associated in the trial, and that one cannot move without the other. As to the mode of bringing forward juries by return of the sheriff; by a special jury, selected in the manner known, or by election of the country, these are particulars of a lesser nature, and may be the subject of modification from time to time, and yet the vital principle preserved. But the moment the tribunals of fact and law are separated, the *talismanic charm is gone*; that which was never understood before, will then be felt.

But, said the Governor, did they not lay aside law judges, and attempt the system of mere arbitrament in France, during the revolution?

It would have been matter of wonder if they had not, said the chief justice. When the cord from its extreme tension is let go, it vibrates nearly as far on the other side of the circle to that from which it had been drawn. What could you expect in return from despotism but the opposite extreme? In the state of the public mind, in France, what was there to arrest at a medium? Was it natural for the precipitancy of the national will, to stop short of the utmost latitude? You might as well expect the stone of Sysiphus rolling down hill, of itself, to stop short, at a proper point.

Of what account was it, when the mode of settling disputes, relative to property in France, at some periods of the revolution? Proscriptions brought owners, and possessors, so quickly to the guillotine; and conscriptions took them so hastily to the cannon's mouth or the bayonet's point that it was of little consequence what were the tribunals of justice, or of litigation. But had they the trial by the vicinage to lose? or have they continued to do even with judges? Bonaparte, you may say, has given

them courts. If he had let them alone, they would have had them of themselves, unless anarchy had continued, or some other sovereignty of like nature had taken place.

What was the law in France before the revolution? From what sources drawn? The *Roman civil law.* Not this only, but usages, customs, and written laws of a general or local nature, derived from their Gallic ancestors; or from the Goths of Franconia; from the law of nature; from the law of nations; from municipal institutions, and a thousand sources as numerous as the springs that make the rivers of their country.

Could not property be held and adjudged without a knowledge of all these? said the governor—No more than you could breathe without the atmosphere, unless another atmosphere be given you. For what is property, but that *which is peculiarly my right?* And what constitutes it my right, but the laws under which it was acquired, and to which it was subject?

Is this Roman civil law, that you speak of, a thing of much extent? said the governor.

It is as extensive, said the chief justice, as the common law with us, or as any law must be, that arises out of the concerns of a great community, or is provided for it. Romulus made regulations; Numa, institutions; the plebiscita, or resolutions of the tribunes and the commons; senatus consulta; judicia pretoris; responsa prudentum; these continued in the twelve tables, institutes, pandects, and commentaries, are grounds of that law, which, on the decline and fall of the empire, was incorporated by the barbarous nations on their codes, as they became civilized, and an agricultural and commercial people. It is the experience and wisdom of ages which can alone provide for the cases of difference in matters of claim or right amongst a people. It will require the application of years in those who administer these laws, to acquire a knowledge of the rules established relative to them, and which rules by the change of property under them, have become as much the right of the citizens as the property itself. For the laws of property go with it; and are the right of the purchaser; and as much a part of his estate, as the charters and documents that constitute the evidence of the acquisition. A bit of a manual, or collect of the rules of a legislative body, will fill a duodecimo vol-

ume; and yet how small a part is this of the "law of parliament," which embraces privileges, immunities, laws of election, &c. &c. &c.! And in the code of the community, there are a thousand chapters of law more extensive than this, and equally important to be known, and every day in use by the whole of the people. So that the disuse of lawyers, judges, and courts, or superseding the necessity of them by novel institutions, is what will be found impracticable consistent with government.

Nevertheless, said Harum Scarum, who had just come in, and heard the concluding part of what the chief justice had said, Harum Scarum, whom the governor had just appointed secretary: Nevertheless, said he, so it is, that nolens volens, the people will have the lawyers and the judges down. They may let the chief justice alone a while, because he is blind.—There is a generosity in men that leads them to spare the miserable. But as to lawyers that have their hands, and judges that can see, down they go; every day has its rage; ca ira, it will go on. The Marseilles hymn need not be sung to this.—Marchez, Marchez: March on, March on. It will march of itself, quick step. There needs no drum beat, or fife to play. So much for the lawyers; they are under way, and down they go.

Every day has its trumpery of opinions, and pursuits; obstinacies, and predilections. We had the age of swindlers some time ago. Every man that had a mountain, or no matter whether he had one or not, sold the top first, and then the bottom. For though your lawyers say, that Cujus est solum, ejus est usque ad coelum; yet we have no such maxim as usque ad Tartarum, and so he might sell the bottom, and by the bye, represent it as level, and well watered, which he could not always say, with a good conscience, as to the frustrum of the cone whether the parabola, or the hyperbola. It was not enough for the swindler, to purchase or sell lands that were neither in the moon, nor 'on the earth, nor in the waters under the earth;' but he must go to the ring of Saturn, and the planet Herschel.—There was no end to deception on one hand, or credulity on the other.

But we have seen this age pass over, and now is the age of *economies*. A man wears spectacles, or a clout on his eye, to save daylight; his shirt above his coat in the day time, and sleeps in his coat at night, to save his shirt. It has got among the very Indians. A sachem runs with his back-side bare, to save his breeches, but wastes as much oil on his porteriors to keep them from muskitoes, as would buy overalls, or pantaloons, to hide his nakedness.

Harum Scarum, said the governor, you are an extravagant fellow in your painting; you exaggerate. I expect better things from the people, than such a derangement in their ideas of policy. But in the mean time let us take dinner.

OBSERVATIONS.

THERE are two problems in politics, which have some difficulty in the solution. The one is the power of the judiciary, to adjudge the law void on the ground of *unconstitutionality*.—The other is that which we have just touched upon a little, in the preceding chapters; viz. the practicability of adjusting civil controversies by *arbitration*.

On the first point we find a precedent in the government of the Athenian people. I shall quote from a translation of the "travels of Anacharsis the younger."

"Amidst that multitude of decrees, we see from time to time enacted with the sanction of the Senate, and the people, some there are in manifest contradiction to the welfare of the state, and which it is important not to suffer to subsist. But as they were the acts of the legislative power, it should seem that no authority, no tribunal is competent to annul them. The people themselves should not attempt it, lest the orators who have already taken them by *surprise*, should again mislead them.—What resource then shall there be for the republic? A law singular indeed at first sight, but admirable in its nature, and so essential as to reduce it impossible either to suppress or neglect it, without destroying the democracy; I mean the law that authorises the very *lowest citizen to appeal from a judgment of the whole people*, whenever he is able to demonstate, that the new decree is contrary to the laws already established.

In these circumstances, it is the *invisible sovereign*, it is the laws which loudly protest against the national judgment that has violated them; it is in the name of the laws that the accusation is brought forward; it is before the tribunal, which is the chief depository and avenger of the laws, that it is prosecuted; and the judges by setting aside the decree, only pronounce that the *authority of the people has happened to clash unintentionally with that of the laws*; or rather they maintain the ancient and permanent decisions of the *people against their present and transient inclinations*."

On the second point, I meet with a precedent, in the same state, the Athenian, and I quote from the same book. "I cannot overlook an institution which appears to me highly favourable to these, who, though *they appeal to the laws*, wish not to be litigious. Every year forty inferior judges go the circuit through the different towns of Attica, hold their *assizes* there, decide on certain acts of violence, and terminate all processes for small sums, *referring more considerable causes to arbitration*.

"These arbitrators are all persons of good reputation, and about 60 years of age. At the end of every year, they are drawn by lot, out of each tribe, to the number of 44.

"Persons who do not choose to expose themselve to the delays of ordinary justice, to deposit a sum of money previous to the judgment, or to pay the fine (damages) decreed against the plaintiff, failing in his proofs, may confide their interest *to one or more arbitrators nominated by themselves*, or whom the Archon draws by lot in their presence. When the arbitrators are of their own choice, they take an oath to abide by their decision from *which they cannot appeal*; but if they are chosen by lot, they are not deprived of that resource; and the arbitrators, inclose the depositions of the witnesses, and all the documents of the process, into a box, which they carefully seal up, and transmit to the Archon, whose duty it is *to lay the cause before one of the higher tribunals*.

"If the Archon has referred the matter in dispute to arbitrators drawn by lot, at the request only of one party, the adverse party has the right, either to demur against the competency of the tribunals, or to allege other exceptions.

"Arbitrators called upon to decide in affairs where one of the parties are their friends or relations might be tempted to pronounce an iniquitous judgment; in such cases, it is provided, *that the cause may be removed into one of the superior courts.* They might also permit themselves to be corrupted by presents, or be influenced by private prejudices: in which case the injured party has a right at the expiration of the year to prosecute them in a court of justice, and compel them to defend, and show the reasons of their award. The fear of such a scrutiny might likewise induce them to elude the exercise of these functions. But the law has provided against that by *fixing a stigma on every arbitrator who when drawn by lot, refuses to perform his duty.*"

The idea of *an action against an arbitrator for a wrong judgment,* involves this, that the court above must judge of his judgment. The *jury trial* had not got quit of this under the shape of an attaint until the *granting of new trials* took place. It proves that arbitration has been brought to perfection in the present state of trial by jury, *in the presence, and under the direction of the court.*

CHAPTER XIII.

A NOISE was heard coming down the town, and a cavalcade accompanying. It was Clonmel the ballad singer followed by the piper, and the blind fidler; the one with his bag-pipes; the other with his violin. Will Watlin was along and had a bottle in his hand; Tom the Tinker, O'Fin the Irishman, the Latin schoolmoster, and a number of others. The song sung was as follows:

COME gather away to the new town,
There's nothing but lilting here,
And piping and singing and dancing,
Throughout every day of the year.
No maid that comes here but gets married,
Before she is here half an hour;
The brown, the black, or the hair red,
To live single is not in her power.

Come gather away, &c.

We get our provisions for nothing;
Just knock down a wolf or a bear,
The wear and the tear of our clothing,
A dress'd skin, or just in the hair.
No trouble, no bubble, no sweating,
Like people that live in the smoke,
We catch the fresh fish with a netting,
And roast them just under the oak.

Come gather, &c.

Our governor is a fine fellow,
Chief justice as blind as a bat;
The governor sometimes gets mellow,
And blinks himself like a cat.
No lawyers are here but a couple,
Just enough to keep up the breed,
The word of their mouth is a bubble,
And not worth a copper indeed,

Come gather, &c.

We have a fine printer, a devil,
To whack at their fees and the court,
Because that the rascals can give ill
Opinions that do us much hurt.
Good fortune, we have little money,
To quarrel, and law suit about;
So turn up the bottle dear honey,
But see that you dont drink it out.

Come gather, &c.

The air of this country is clearer,
The water is clearer by far,
The words of our wooing are dearer,
Such words as a body can spare;
When we smother the maids with our kisses,
And they smother us in their turn;
I swear by St. Patrick that this is,
The best country that ever was born.

Come gather, &c.

The lads they go out a racooning,
Or take at a squirrel, a shot,
If they knock down a fowl they are soon in,
To show what a fowl they have got.
Great shame to the Paddies below stairs,
That live in the country below,

Lie snoring, and sleeping on bolsters;
And lounging one cannot tell how.

Come gather, &c.

Up to the mountains bog-trotters;
Our shamrocks are fresh, and are green,
Set traps for your beavers and otters,
And musk rats the best ever seen.
Though I am too lazy to rough it,
And go to the waters with you,
Because I have had just enough'fit;
Don't like to be as rich as a jew,

Come gather, &c.

Oh, what is life but a blister,
Put on we cannot tell where;
And sorrow herself is a sister,
To thinking and much taking care,
So let us be jovial and jolly,
And make out as well as we can!
Who knows whether wisdom or folly,
Makes the better or the happier man.

Come gather, &c.

The drone of the piper; the screeching of the violin, and the voices of the multitude, made such a noise that one would have thought they were in Dublin; and had it not been that Harum Scarum looking out saw what it was, the Governor would have thought of issuing his proclamation to keep the peace; but the cause being understood there was found to be no necessity, and the secretary with the leave of the Governor took a turn with them. The editor of the journal seeing this, came out. The two lawyers filed in, a pedlar, and the bog-trotter. Being all together, a new song was struck up, and the whole joined in the chorus.

WHO says we're not of all trades,
And some they call professions;
Who wear their wigs or bald heads,
Scotch, English, Irish, Hessians?

The lawyer and the journal,
Though of a different calling,
And long, so like to turn all,
To tails with caterwauling.

Yet here they join in melody,

Walk hand in hand before us.
And they may go to hell the day,
They spoil the general chorus.

The but has but its living,
No more than has the cat.
The carter with his driving,
Tis all he can get at.

The tinker lives by blowing,
His bellows in the fire;
The Lawyer lives by throwing,
His snout a little higher.

The Pedlar goes the circuit,
And carries his small pack,
The judge has harder work o't,
Impeachments on his back.

So let us all be liberal,
Let one another live.
Dick, Hary, Tom, and Gabriel,
Which ever way they drive.

The Fidler and the Piper,
The flute and fife agree.
The boatmen or the skipper,
Tis all the same to me.

O'Fin come taste the jorum.
And Harum Scarum pledge,
And Horum Harum Horum,
Will take it next I'ngage.

Here's to the world of worthies,
That love a merry song;
Let all your topsy turvies,
Now drink and hold your tongue.

OBSERVATIONS.

I HAVE spoken of Thomas Paine as an uncommon, but *unin formed man*, The felicity of his stile, and the magic of his wit, is irre

sistible- Thinking all and reading little, at least, before the writings he has published, his ideas are unborrowed; but he thinks them sole, whereas the human mind had produced them all before. The same thoughts on religion or government have never been expr ssed with the like illusion; but they have existed in the doubts of the unbeliever; and the theories of political reformers, before his time. This philantrophist; for his vote on the sentence of Louis XVI. proves him to be such, had not sufficiently considered man's nature, and the consequence of a deracination of establishments, before he began to write his books. It is easier to destroy than to substitute. The French revolution, I presume, may have shown him the difficulty of arresting *the human mind at a proper point* —A book of anecdotes, and remarks illustrative of this, with the opportunities he has had, the discernment he possesses, with the originality of his expression, would have been a valuable work. I could wish him to have done this, and left the priests to themselves, who have trouble enough on their heads with the devil unassisted by Thomas Paine. He had no occasion to tell philosophers, that the *discoveries in astronomy were not favourable to some of the dogmata of our theology;* for it was the source of melancholy reflections with themselves; and as to the bulk of believers, that have got over it, or never got into, it is of no use; on the contrary, a great injury. For even supposing the representations of our theologists to be an illusion, why dissipate the vision? Does it not constitute a great portion of our happiness? Are those men supposed to have done nothing for the world who have raised fabricks of this kind to the imagination *even upon false grounds?* Has it not contributed at least to amuse in this life? It is an opiate, under pain, *and eases the mind without effecting the nerves.* But I know what occurs upon this. It is, that it is not taking away the opiate, but changing it. But is there no difficulty in believing any thing, after you have begun to doubt at all. *It is as easy to believe that all things always were, as that they began to be.* So *that if you lay aside revelation* there is an end of the chapter.—When Plato read his dialogue on the immortality of the soul, all his school rose up, save Aristottle. I presume the logical mind of the youth thought the reasoning unsatisfactory.

On the subject of *economies,* I have touched on the administration of the general government, with what might seem a fling at the executive in the case of the reduction of the navy, &c. It was currente calamo, and more in a vein of pleasantry than certain, and correct

stricture. For I am aware of the incapacity and consequent presumption, of an individual not master of reasons and circumstances, to undertake to judge of public measures, on a great scale. It is not from between decks in a vessel, that we expect to hear directions to take in sail, to give more sail, or to steer upon a wind; but from an officer on deck who has an opportunity of judging of the way which the vessel has, and what sail she carries. Carping at public measures which we do not understand is not the part of a good citizen; at the same time, unless there is a perfect freedom of thought in a government founded on opinion, those that direct the helm, will be at a loss to know the impressions which public measures give, and mistake silence for approbation. Hence oftentimes, a deceitful calm which is succeeded by a squall, as sudden as it is destructive. I confess I was one of those who instead of diminishing our navy, was for augmenting it. But this was but the idea of an individual, far from the seat of government, and still farther from an opportunity of forming a just estimate of the policy of public measures.

CHAPTER XIV.

THE lay preacher having been announced by the faculty, sui compos, and come to his reason, had been dismissed from the hospital, and had come to the new settlement. This was now a kind of Botany Bay, to the old country, with this difference, that here the outcasts came voluntarily, but there of force. The governor received the lay preacher with courtesy, and made him his chaplain. The Sunday following he preached to a numerous congregation, in a chapel in the woods. His discourse was taken down in short hand by the editor of the "Twilight," and has appeared in his paper. As it would seem worth preserving, we have copied it and given it in this work.

THE SERMON.

Shadrach, Mashech, and Abed-nego. Dan. iii. 12.

These are the Hebrew names for Tom, Dick, and Harry, and applicable to this settlement, which is a colluvies of all nations; Mac's, O's, and Ap's; Erse, Irish and Welsh. But, as

in a garden, a variety of seeds and plants is desirable, so in a settlement where the human species is about to be cultivated, and this not only for the sake of what pleases the fancy, but what is useful for the kitchen, or for medicine: so let no uncharitableness prevail among you, and one cast up to the other, his origin, former occupation, or character. I presume there would be but little to gain or lose on a fair balance, and set-off, as the lawyers say among you. But it is best to consider all accounts squared, and set out in a new partnership.

It falls to the lot of my function to see what good advice I can give; for it is by admonition only that I can serve the commonwealth. I shall leave spiritual things to my brother, the Methodist, who is as busy as a bee in a tar-barrel yonder, raising the affections, and disturbing the imagination. I shall content myself with some things merely temporal.

The sin that most easily besets a new settler is laziness, or, to give it a more civil term, *indolence*. He gets the means of life easily: He sets a trap over night; or he goes out with his gun in the morning, and kills game. The flesh serves for food, and the skin for covering. The soil is fertile, and yields, some thirty, some forty, some sixty, and some an hundred fold. This just by a little stirring of the hoe. For you must know that I myself have been brought up in a new settlement, and know the history of such. Though that settlement, in which I was brought up, is now an hundred miles below us, not by the sinking of the earth, but by the frontier pushing back, and settling beyond it. Indolence, I know, is a vice of that situation. For necessity is the mother of invention, and impels to labour.

"Duris in rebus urgens egestas."

Said the Latin schoolmaster,

"Improbus labur omnia vincit."———

Drive out that fellow there, said the sexton. He disturbs the congregation.

The preacher proceeded.

Now if a man can live without working, he will not work. The cattle of a settler browzes in the woods, and subsists even in the winter, without other shelter or food, than the underwood, and such shrubbery as covers the head of a valley, where

the soil is dry and the spring rises. The wilderness obstructs the course of the winter winds, and the cabin is warm on the south side of the hill. Hence the temptation to indolence.

But there is a worse sin that easily besets the settler in a new country; these especially that settle in a town, where there is usually a tavern, a store, and a race ground for the horse jockies. This sin is *intemperance*. Horse jockeying, shooting matches, and all elections, are an inlet to this Show me a man that frequents the county town much, and I will show you one that is in the way to contract a habit of intoxication. The little peltry he may have got to buy himself a hunting shirt, or a little tea and sugar, for his family, goes into the whiskey bottle.

Now to the application, said Harum Scarum, this will do for the body of the sermon.

As to application, said the preacher, I will leave that to every man to make for himself. You can all apply the doctrine as well as I can.

"Non omnia possumus omnes."

Said the Latinist.

Will not that fellow be quiet yet? said the sexton, drive him out.

By the bye he was out already, for the woods was all the chapel that they had; and a rising ground for the pulpit; but the sexton meant to remove him from the circle; and it was so understood; for they pushed him back to some distance.

The governor reprimanded Harum Scarum for his interruption, also; for though this could be considered but as a substitute for preaching, until a regular clergyman came forward; yet, in the mean time, the rules of propriety ought to be observed, and interruption or desultory dialogue was improper.

Harum Scarum asked pardon, but wished the preacher would stick a little more to his text, and illustrate the words "Shadrach, Meshach, and Abed-nego."

The preacher said he had done that already, and would not return to it; but, as the usual time had elapsed, he would now finish his discourse.

REMARKS.

IT may be discovered, from some things thrown out in the course of this work, that I am apprehensive of giving offence, and the reader may wonder why I should have such apprehensions. It is because I have offended oftentimes, when I had no intention of offending; and when I could not, even afterwards, conceive how the offence could be taken. In early life, admiring the beauty and manners of a young girl, I made a few verses, and presented them to her. After having read, she returned them to me, with visible anger and emotion; and said she did not know what she could have done to have deserved such treatment at my hands.

Being unfortunate in poetry my next billetdoux, some years after, to a young lady, was in prose. But the consequence was the same. It produced resentment. I could no more divine at the time, what it was that displeased, than I could conjure up a spirit from "the deep." I disdained to inquire into the cause; for in turn I was offended. But reflecting, since, on the nature of the human mind, I resolve it into this, *that I had attempted wit with my compliments, which was mistaken for ridicule.*

There have been occasions when I had in view to try whether I had wit, but meant nothing more than a little pleasantry, and to tickle with a feather, and yet have hurt the feelings of the mind much. When at the academy, I wrote an epigram upon a classmate whom I much respected, and had no conception that it would have been more than the subject of a *laugh to himself*, as well as others, but he ran almost mad, and I ran off. It was a fortnight before the matter could be set right, and I could return again. A like case happened to me some years since: The publisher of a gazette, applied to me relative to the publication of certain strictures on a public character, to have my opinion as to their being libellous. I told him they might not amount, in strictness, to a libel; but came rather under the idea of *scurrility*. But, to satisfy his correspondents, who might think themselves neglected, if no notice was taken of what they had sent forward, I would throw the substance of them into a liight airy dress of playfulness and fancy, so as not to wound the

man who was my friend, but make it difficult to say whether the laugh was most at his expense, or that of others. But, contrary to my expectation, it hurt much, and occasioned an assault and battery on a journalist who had copied it into his paper.

It cannot be the poignancy of any share of what may be called wit that I possess, if any faculty that I have may be so called; but it must be some peculiarity in the expression, of the effect of which I am not myself sensible. I have not felt that I am apt to hurt in conversation, or that my words are liable to be misconstrued, and a meaning drawn from them which was not intended. Yet certainly the same shape of thought, and turn of expression, must show itself in common parlance. I can account for the difference on no other principle but this, that an appearance of good humour may rebut the suspicion of malevolence, which might otherwise attach itself to the allusion.

When I had written and even printed off the first volume, which was in the course of last summer, looking over it at some distance of time, I concluded to burn the impression. But not being near a fire, it escaped; and, in the mean time, I began to consider, that it was paying but a bad compliment to the understanding of a democratic people, who are in the habit of freedom of speech, among themselves, and allow great liberties, not to say licentiousness to the press, to suspect them of being so intolerant, and so ready to take offence, when it was not meant. Hence it was that I have taken courage to write on, and thought that if it did give offence, I might as well be hanged for an old sheep as a lamb. The truth is, I had not written myself out: but, many more ideas springing up in my brain, and crowding together in a narrow compass, wanted egress, and demanded to see the light. But some of the more forward of them I have actually knocked on the head, having reason to believe that they might do more harm than good at the present time. I thought a pity of several of them, for they struggled hard to live. But, dearies, said I, you must go. It is better you should die than your father. So they went, poor things, to house themselves with the infantile images that are heard only by their plaints in the entrance of the house of night.

——————Vagitus et ingens,
Infantumque animæ flentes in limine primo——

BOOK III.

CHAPTER I.

IN THE MANNER OF MONTAIGNE.

AFTER thinking a good deal upon what might be given as a definition of common sense; in other words, what phrase might be substituted in lieu of it; for that is what is meant by a definition: I would try whether the phrase, *natural judgment* would not do. Getting up a little in the world, and examining mankind, there was nothing that struck me so much, as to find men, thought eminent in a profession, seeming to want judgment in matters of knowledge, which was common to me with them. I took it for granted, that it was owing to the mind being so much employed in a particular way, that it had no habit of thinking in any other; and doubtless there is a good deal in this. For a mathematician, capable of demonstrating all the problems of Euclid; and even of inventing shorter and clearer methods of demonstration, may be incapable of comparing ideas, and drawing conclusions on a matter of domestic economy or national concern. For though a great deal may be owing to a knowledge of the particular subject, and a habit of thinking upon it; yet as much or more depends upon the natural judgment. I will select the instance of a lawyer, because it is in that profession, that I have had an opportunity, the most, of examining the original powers of the mind. In this profession I have found those of the highest reputation of legal knowledge, and who were so, and yet were not the most successful in particular causes. The reason was, that though they had a knowledge of rules, they failed in the application of them, and had not given good advice, in bringing or defending the action in which they had been consulted. Or whether the cause were good or bad, they had wanted judgment in conducting it. The attempting to maintain untenable ground; or the points upon which they put the cause, showed a want of judgment. It is the same thing in the case of a judge. The knowledge of all

law goes but a little way to the discerning the justice of the cause. Because the application of the rule to the case, is the province of judgment. Hence it is that if my cause is good, and I am to have my choice of two judges, the one of great legal science, but deficient in natural judgment; the other of good natural judgment, but of no legal knowledge, I would take the one that had what we call *common sense*. For though I could not have a perfect confidence in the decision of one or the other, yet I would think my chance best with the one that had common sense. If my cause was bad, I might think I stood some chance with the learned judge, deficient in natural judgment. An ingenious advocate would lead off his mind, upon some quibble, and calling that law, flatter him upon his knowing the law, and least his knowledge of it should be called in question, the learned judge might determine for him. For there is nothing that alarms a dunce so much as the idea of reason. It is a prostrating principle that puts him upon a level with the bulk of mankind. The knowledge of an artificial rule sets him above these, and is, therefore, maintained by him with all the tenacity of distinguishing prerogative. To a weak judge, deficient in natural reason, a knowledge of precedents is indispensible. In the language of Scotch presbyterian eloquence, there is such a thing as *hukes and c'en to haud up a crippled Christian's breeks*; or, in English, hooks and eyes, which were before buttons and button-holes, to answer the same purpose with pantaloons or sherryvallies. Such are cases to a judge, weak in understanding; because these give him the appearance of learning, and of having made research.

But it does not follow, that I undervalue legal knowledge in a lawyer, or judge, or resolve all into common sense in that or any other profession or occupation.

I select, in the next instance, that of a physician. What can one do in this profession, without medical knowledge? And yet without good sense, the physician is as likely to kill as to cure. It is the only means that one who is not a physician himself has to judge of the skill of one who calls himself such, what appears to be the grade of his mind, and his understanding upon common subjects. We say, he does not appear to have common sense; how can he be trusted in his profession? Common

sense, I take to be, therefore, judgment upon common subjects; and that degree of it which falls to the share of the bulk of mankind. For even amongst the common people, we speak of *mother wit*, which is but another name for common sense. Clergy wit, is that of school learning; or the lessons of science, in which a dunce may be eminent. For it requires but memory and application. But the adage is the dictate of experience, and the truth of it is eternal, "An ounce of mother wit is worth a pound of clergy."

We speak of an egregious blockhead, and say, he has not *even* common sense: that is, he has not the very thing that is necessary to begin with; and which every person is usually endowed with, that has the proportions of the human form. It seems to be something bordering on instinct, and resembles it in the uniformity and certainty of its operations. It is that without which, it is not worth while attempting to make a great man. What is a general without common sense—that is, natural judgment? But why talk of generals, or lawyers, or judges or go so far from home? Where we see, as we sometimes do, the want of natural judgment, in the management of a man's own affairs, on a small scale; whether of merchandize, or of manufactures, or farming, we say that he cannot succeed; and in general, though not always, the want of success in common pursuits, is owing to inexperience, or a want of natural judgment. The quibbling in a matter of contract; the evasion of fulfilment, is a want of natural judgment. I think the poet says,

"The want of honesty is want of sense."

There can be nothing more true. And I think it is remarkable, that in those divine writings, which we call, by way of eminence, the scriptures, dishonesty is called *folly*; and honesty *wisdom*. Common sense is that degree of understanding which is given to men in general, though some are peculiarly favoured with uncommon powers. But no man can be said to have common sense, who is a knave. For, of all things, it is the strongest proof of a want of judgment upon an extensive scale. Had I the world to begin again, with all the experience that years have given me, and were to think myself at liberty, from all considerations of duty or obligation; yet, on the principle of

self-interest, I would be honest, and exceed, rather than come short, in giving to all their due. For it is the adage, and as true as any of the apothegms that we hear, that honesty is the best policy. *Indeed all the rules of morality are but maxims of prudence.* They all lead to self-preservation; and had they no other foundation, they would rest upon this, as sufficient to support them. The discerning mind sees its interest as clear as a ray of light, leading it to do justice. Let me see any man quibble and evade, cheat or defraud, and I do not say constructively, and with a reference to a future state, but in relation to this life, and his temporal affairs, that he is unwise; that is, he wants the judgment to perceive his true interest. This is the *presumption;* and when knavery is found to consist with strong powers, I resolve it into defect of fortitude, or want of resolution, to be what the man must know he ought to be. The

——Video meliora proboque
Deteriora sequor————

is correct. Present gain is preferred to future good: like the child that wishes the tree cut down, that it may have all the fruit at one season. The feelings of resentment, or of love and strong passions, ambition or avarice, like tempests on the ocean take away the presence of mind, and baffle the skill of the navigator. Therefore my reasoning does not apply in cases where the passions are concerned. But in a case of dispassionate judging, as in a matter of meum and tuum, between indifferent persons; or where the question may be, by what means an object is most directly attainable, the strength of natural judgment, or common sense, shows itself. Where the crooked path is chosen, or the false conception is entertained, we say there is a want of common sense.

In throwing out these reflections of a moral nature, I refresh myself a little in the course of my memoir, and present a chapter, now and then, like an Oasis in the great sands of Africa: here the reader, like the Caravan, may stop for a little time, and taste the cool spring, or nibble a pile of grass; and go on again. In short, all other parts of my book will appear to some, a wide waste, producing nothing profitable. To them, a green spot of moral truth, now and then occurring, will reconcile to

the traversing the desert; or rather, in passing the sands, will give relief. Were it not that I am afraid of lessening too much the chapters of amusement, and so losing readers, it would be more agreeable to my own mind to moralize more. But I must not forget, that it is only by means of amusing, that I could get readers; or have an opportunity of reaching the public with my lecture. This will be as it may; but it has always been amongst my apologies for this play of fancy, in which I have so much indulged my imagination.

I add a thought or two on the subject treated of in the beginning of this chapter, *common sense*. We find in the poet Horace, sat. 1. line 66, this expression:

"Communi sensu plane caret"———

He wants common sense. The poet applies it to his own case, as what might be said of him, when at any time he had interrupted unseasonably his patron, Mæcenas, when reading, or intruded upon him when engaged in business.

"Simplicior quis, et est qualem me sæpe legentem
Aut tacitum, impellat quovis sermone molestus?

This had evinced a want of attention to circumstances, and so far, a defect of judgment. A want of *discrimination*, it may be inferred, is a want of common sense.

CHAPTER II.

A CONSIDERABLE traffic had been carried on for some time between the bulwark of the Christian religion, and the savages of North America, bordering on this new settlement. The traders of the bulwark, carried out bibles, and in return, received scalps. What use spiritual, or temporal, these savages could make of Bibles, is immaterial, as it is not the use of a thing that always gives it a value. Certain it is, that little use could be made of a bible by these people in the way of reading it. Nor if they did read it, could they understand it, without commentators to build up orthodox systems of faith, with

the various points in controversy, between the catholic and protestant churches; much less those doctrines which distinguish the Calvanist, Arminian, Socinian, and other creeds. But as to the use of scalps with the bulwark, it could not be difficult to comprehend, if the use of a skin dressed in the hair be understood; which, I take it, is the case with almost all that manufacture gloves, or muffs for the ladies in any country. Children's scalps, and the scalps of young females, were in request particularly for these purposes; and hence it was that the savages made their inroads into the settlement, attacking whole families for the sake of these; and as it was not uncommon to meet with some resistance on the part of the relations; and the young men even went so far as to shoot some of these depredators in taking off the scalps, it occasioned affrays, which at last had the appearance of national hostility, and war ensued. The savages after having made a pretty good hunt, as the phrase is, and taken scalp-peltry, retreated usually in great haste; inasmuch as they were liable to be pursued, and brought to an account for this outrage; as well as for the purpose of recovering property, which they were not always scrupulous of carrying with them, and not paying for according to the value.

Pursuing some of these, a party had gone out from the settlement, amongst whom was Teague.

The bog-trotter reflecting with himself that the savages were not likely to be overtaken, and so no great danger of fighting in the case, did not greatly hesitate to be one; inasmuch as if they should overtake these freebooters, there was such a thing as running from them, as well as after them. But after a few hours march, coming upon a trail of these, which appeared to have crossed the settlement in a transverse direction, the word Indians was given; which Teague no sooner heard, than he began to retrace his steps with some alacrity. It was on a ridge or bend of a hill; the Indians crossing the hill, had gone into the valley, and come round again nearly to the place where the whites had ascended it It happened therefore very naturally, that the Indians and the bog-trotter, though neither meaning it, had fallen in with each other; the bog trotter on the flank of the Indians. It had been for the sake of water to boil their kettles, that these savages had gone down to the valley

and encamped the night before. Being now on their way to regain their direction, it happened that they came into the rear of the party pursuing them. The bog-trotter had by this time accelerated his speed considerably, and the declivity of the hill was such that he found it impossible to arrest himself, being under the impetus of the projectile motion which he had acquired; and seeing nothing before him but death from the tomahawks of at least sixty Indians, and nevertheless being unable to stop his career, no more than could a stone projected from a precipice, he raised the tremendous shout of desperation; which the savages mistaking for the cry of onset, as is customary with them when they are sure of victory, to raise the war-whoop; magnifying the shout by their imaginations into that of a large party overtaking them, they threw away their packs and scalps, and made their way towards the Indian country; not doubting but that the whole settlement was in pursuit of them.

When the party of whites came up to the brow of the hill, and saw the bog trotter in possession of the ground and the booty, they took it for granted, that singly and alone he had discomfitted the Indians. It was a devil of an engagement said he; by de holy fader, I must have shot at least a hundred of dem; but de fun o' de world was to see de spalpeens carrying of de wounded on deir backs like de tiefs in Ireland dat stale shape. Tiefs of de world, why did you stay so long back and not come up to de engagement? Looking for Indians before o' your face. Spalpeens, if I had had two or tree good tight boys along wid me, when I came up wid dem, I could have kilt de whole, or made dem prisoners. Bad luck to ye, if it wasn't for de shame o' de ting upon de country, I would have a court martial upon de matter; but as to de packs and de booty, it is all my own. I had taken dem before you come up; and devil a hand had you in de victory.

This was not dissented to, and the matter was accommodated, on its being agreed that nothing more should be said about the court martial.

Though upon a small scale this was thought a very brilliant affair of the bog-trotter. A sword was offered him, and there

was a talk of making him a major general. In a republican government, the honest souls of the people are lavish of their gratitude; though they sometimes mistake the merit, or demerit of services. And how can it otherwise be when the people cannot themselves be all present to see what is done; nor, if they were present, and could see, are the bulk capable of judgin what case success is to be attributed to design or to execution; and indeed where the design and execution may have been all that human foresight and resolution could promise or perform, yet the event may have been unfortunate. Fortune de grace, applied to an individual, may be applied to measures. There is a fatality in some cases that baffles the wisest councils, and the most heroic enterprize; and again a kind of magic, or something like a charm that turns to account what in nature and the ordinary course, ought to have produced nothing but disappointment, and the reverse of what has come to pass.— Old generals are not always the most successful, because they are afraid of accident and leave too little to chance, while the know nothing, fear nothing, has oftentimes been the secret of fortunate adventure.

When it has been said that men have been taken from the plough, and put at the head of armies, it does not mean that they have been taken from drawing the plough, in the manner of oxen or draft cattle; but that they have been taken from holding the plough, while these *averia carucæ*, or beasts of the plough, not liable to be distrained by the common law, drew the plough. I cannot cite an instance of those actually in tra ces, being cut from these, and turning out great generals; but it could not be said to be far from this in some instances. For nature is above all art, and let what will be said about discipline, a little mother wit, as in all other sciences, goes farther to make a great commander, than tactics without it. The theory of keeping the head upright, and handling the firelock, is doubtless a good lesson to begin with; and the positions of the body, and the movements of the feet, are, beyond all question, useful to be taught to the young soldier; and on these will depend facing and forming; wheeling, or flanking off with slow or quick movements. But with all this the general has little to

do. It is the office of the drill sergeant, and the adjutant of the regiment, or of the subalterns and officers inferior to a general. It takes a long time to be perfect in these; but the eye that can chuse a ground, that can arrange and dispose a force, a mind that can reach the exigencies of the day with foresight, relieve and remedy unforeseen accidents, make the general. A weak mind, and slow perception, with all the tactics that can be taught, and all the lessons, from experience, that can be given, whether from reading or seeing service, can go but a little way. A military man may have Folard in his head, with all the notes that may have been written upon him, and yet be unequal to the conduct of an army; for general rules cannot in their nature be applied to particular cases; and something new in most, if not in all cases, will occur to diversify the situation, so that good sense and natural judgment, is the first thing to be considered in the appointment of one who is to conduct an expedition. But it is not an easy matter, or rather it is not possible to discover and select such, with certainty, for officers, at the commencement of a war. The pressure of affairs must throw them up, as the element of air rises when terrene substances subside. A war alone can find out choice spirits to whom a command may be entrusted. For a long time merit may be obscured, and talents remain undistinguished; while even cowardice and blunders may, in a particular instance, give a temporary reputation,

Teague was spoken of as a major-general, when he ought to have been dismissed the service, could the truth have been ascertained. But appearances were in his favour; for who could think that, but for the most desperate courage, he would have attacked sixty or an hundred Indians—fifty or sixty, at least, it was said? For, the prisoners rescued, spoke of there being that number. These prisoners, chiefly consisting of individuals half dead, were incapable of distinguishing the circumstance of the bog-trotter, being precipitated upon their captors by an involuntary centripetal force; or the ell of despair, from that of desperate resolution. And, as their gratitude was lively for their deliverance, they yielded to no cold examination of the

manner in which it was brought about. As for Teague, like Achilles, he claimed every thing for himself——

Nihil non arrogat armis.

Though but of the grade of a corporal when he went out, he now thought himself entitled to be made general O'Regan. He had at this time, certain it is, the perfect confidence of the people, who were clamorous for his appointment, and indeed he might be said to be forced upon the governor.

Teague, said the governor, you know that you are no such kill-devil as the people take you to be. This affair of yours was but matter of accident; and instead of being promoted, you ought to have been broke for it. Were you not actually running away when you fell in with the Indians?

Love your shoul, now, said the bog-trotter, that is always the way wid your honour, to make noting of de greatest battle dat was ever fought since the days of chevelry, as dey call it; or Phelim O'Neal, one of my own progenitors, who kilt a score of men wid his crooked iron; and dey were noting de wiser for it. How could I get down to de bottom o' de hill, if I had'nt jumped upon dese Indians when I saw dem, and de party of militia dat were after me, but so far behind? Had dey come up in time, de devil burn an Indian dat would have escaped, or gone to deir own country, bad luck to dem. Give me a tight little bit od an army wid me, and if I dont take de whole o' dem widin tree months at fardest, den you may say, I am not Teague O'Regan. My life for it, I will give a good account o' dem.

I thought it of little consequence, said the governor, to countenance your ambition, Teague, in being a candidate for the legislature, or in being made a judge. The one or the other of these being a province in which property only is concerned; unless, indeed, in the case of a judge, in whose way, it may come sometimes to hang a person, though a jury must be accessary to it. But it is of more moment, to put a brigade or two of lives at a time, in the power of an incompetent person. It is not your inexperience that I so much distrust; for I am well aware, that as the good constitution of a patient often saves the credit of the physician, so the bravery of troops may gain a battle, which the want of skill in the commander had put in jeop-

ardy. But it is your natural judgment that I distrust. I have never been able to discover in you, comprehension of mind that would seem to me to fit you for a general. I have no doubt of your being capable of being made, in due time, a good parade officer; attentive to the minutiæ of dress, or movement of the body; or to wear the hat on a corner of the head; or to give words of command, such as face, march, halt, wheel, &c. in a broken sort of way, with the brogue on your tongue; but in all requisite comparing, and contriving, and reasoning, I have not a perfect confidence in your capacity. But as the people will have it so, in republican governments it cannot be avoided. Nor indeed in a monarchical government does it always follow, that the ablest men are appointed to offices. For favour, and family interest, will raise, and sometimes support, the unworthy.—But take notice that you have got a great reputation, and much will be expected of you. The smallest disappointment in the expectation of the people, will trundle you down as fast as your fears precipitated you from that hill, above the Indians, where you got a victory, or at least a pretty good booty. You think that you will be able always to stay in the rear, and send your men on before you. On the contrary, it will behoove you sometimes to reconnoitre; and in that case, you will be under the necessity of exposing yourself to sharp-shooters, and batteries. A cannon ball may take your head off, though at the distance of a mile or two. The post of danger is not always a private station. Charles the twelfth of Sweden was shot through the head with a musket ball. General Moreau was but reconnoitering when he had both legs shot off, or shot through, as he sat on his horse. This thing called grape-shot, is a disagreeable kind of article, coming about the head and ears, like flakes in a snow storm. You may escape, perhaps, with a few bullets in your belly or groin; or with a shoulder taken off, or hip shot away; or if a skilful operator is at haad to take off an arm, it does not always follow that a man dies, though when the brains are out there are very few that survive it. The smoke and fire of musketry and big guns, and the hurly burly of men pushing bayonets, is nothing to the war-whoop of Indians taking off scalps; which, I take it, you would not mind much, being a little used to think about it.

Here, O'Regan put his hand to his head, as if feeling whether the scalp was yet on.

By de holy faders, said he, if dis is de way of being in one of dese battles, it is a better commission to be bog-trotting wid your honour. Keep d' your papers, and give it to some fool dat will take it. I prefer de having a good warm scalp upon my head, dan all de commissions in de nation; and my legs and my arms to my body, and my body to my legs and arms. For having been so long friends, why should dey be parted, having been so long togeder, slaping in one bed, and eating at one table? Dere is de paper; tell de people much good may it do dem. Some one dat has less wit may take it. I have occasion for all de brains dat I have in my own scull. Dose dat have dem to spare, may set up shop, and sell dem for a commission, I have done wid it.

The governor being thus relieved from his embarrassment, by the resignation of the bog-trotter, took back the commission. It was a sufficient apology with him to the people, that general O'Regan, for reasons best known to himself, had thought proper to decline the appointment of major-general.

Independent of any concern for the people, which the governor might have had, it was matter in which his own reputation was involved, to have made such a person a general officer;—not merely because a novice in military matters, but because nature had denied him talents. And though it might be a considerable time before his want of intellect, to any great extent, would be discovered; yet, unless by more than common good luck, it must, in time, appear. And when, for some blunder, he might be brought to a court martial; and, perhaps, for cowardice, be sentenced to be shot; it could not but be an unpleasant thing to him to have to approve the sentence, which he would be under the necessity of doing; and there might be no recommendation of mercy in the case.

There is something in being accustomed to hear sounds; for they affect less; and therefore amongst the ancients, an old soldier, or veteran, as he was called, could stand better the clatter of the sword upon the shield, when the armies were about to engage, to use the language of the poet,

"Clash on their sounding shields, the din of war;"

The sound of the trumpet, also; and above all, the shout of battle. So it must be of use, in our time, to be accustomed to the report of artillery, or any sort of fire-arm. But, in any other respect, I do not know that a subaltern, or other officer, who, in a subordinate capacity, may have served campaigns, has much the advantage of the inexperienced; and certainly their vigour of body and mind being less than younger men, are not so for enterprize. Yet at the commencement of a war, it is usual to look out for such as have seen service. But because an officer has behaved well in a subordinate station, it does not follow that he is equal to an independent command. It has been seen in the French revolution, in how short a time men have become generals, from the lowest grades. It is on this principle that I would sooner trust a man of good sense, who had never seen a battle, with the conduct of troops, than one who had seen the campaigns of half a century, without powers of mind. Inattention to this truth, is a great error, and the cause of much disaster to a young people.

O'Regan was no more fit for a general than my horse; but as I have said, it was not from his want of information and experience in military affairs; but from the actual want of sense in the man. And great credit is due to the governor, for managing matters so, as, by an address to his fear, to make it his own act to decline the honour; when, not to have appointed him in the first instance, or to have superseded him afterwards, would have been a thing so unpopular, that it would have shaken his own standing to have attempted it. There is nothing so difficult as to manage the public mind. It must be done by the lever, or the screw, or other mechanical power, to speak figuratively, and not by direct force.

CHAPTER III.

I have been led to wonder sometimes, how it happens, that Lucian, when he represents the shade of a departed hero, as coming to the banks of the Styx, and being liable to have demanded of him the *naulon*, or ferry money, does not represent

him, sometimes, as pleading an immunity from the payment; and this on the score of having been so good a customer, sending down from his various battles millions of souls to Erebus. What might not Julius Cæsar have alleged on this ground, and other conquerors, who had filled the ferry for years, with souls of men slain by them? It would seem but reasonable, to claim the privilege of going free themselves. In this vein of thinking I have been led to imagine to myself, the present king of Great Britain, George the third, when carried down by Mercury, and about to be put on board the boat, as alleging a dispensation on this account. For it is Mercury that is represented by the mythology as compelling them, not like a flock of goats, with a marsh-mallow—

"Hedorumque gregem compellere hybisco;"

but with his wand, according to the poet,

"Tu pias lætas animas reponis
Sedibus, virgaque levem coerces
Aurea turbam"——

And as to putting in the boat, the following may be also cited,

"Sors exitura, et nos in eternum
Exilium impositura cymbæ"

His British majesty is represented, as practising an economy rather bordering upon meanness, for the sovereign of so wealthy a people, and of so great a revenue which comes to him as king, or is allowed to him by the parliament. But it may be pleaded for him as matter of excuse, or perhaps justification, that he has so large a family to provide for. And had he come down to the ferry boat without the ferriage; or with it, but willing to save a penny, he might have said, or Mercury, who is the god of eloquence, might have said for him——.

"Charon, you ought not to charge the ferry-money for the transportation of this shade, who has put so much in your way by the souls he has sent down so prematurely to Orcus. For though you might have got them all in due time, without his sending them, yet the dispatching them at an early period, gave

you the money sooner; and this put to interest would, by the time of their natural death, have amounted to a large sum. It is very possible you may not have known by whom those immense crowds that have come down for fifty years were sent; not being in the habit of interrogating every one; and, unless in the case of some remarkable ghost, scarcely taking notice of them, farther than to receive the obolus which they are obliged to pay. Have you not found a great rise in the profits of your ferry for half a century past, from the numbers of dead that have come to your boat? The thing speaks for itself: for do I not see the number of pretty little seats you have along the banks of the Styx, within these few years? I cannot tell what stock you may have in the funds; but I would presume not a small sum. But it is immaterial how you may have laid it out —realized it, or put it in the funds, or drank it, as you watermen are apt to do; or spent it a-shore in some other way. This I know, that the sums have been immense that you must have received; having had the driving down the souls of the defunct to Erebus; and though I keep no book, nor do I understand that you do, yet taking things in the bulk, I am persuaded from memory and recollection, that the multitude could not have amounted to less than fifty millions that have been sent by this man. St. George of Christendom, one of the seven champions, and who must have crossed over at your ferry long ago, did not send you many, because his killing, or dead-doing, was chiefly of dragons, whose souls, if they have any, do not come this way. But this George, of the same name and country, except a few sheep of his own raising, has butchered little or nothing but of the human species; and in this way he has done good service to our regions; stocking them abundantly with shades young and old. For having savages for his allies, who murder infants, he has cut off many in their earliest years. We consider as done by him what he sanctions; according to the law maxim, which I have heard quoted in the court of Radamanthus,

"Qui facit per alium, facit per se."

For, to explain the matter to you, Charon, you are not to understand that this George did himself hack and kill, but——

Here, Charon might interrupt and say, "Mercury, you are making a long speech, like some of your lawyers in the upper country, or from thence that have come here; and would seem to have cheek-wind in abundance; but I have no time for this lee-way; hoist anchor and cast off; no copper, no boating; the shade must stay, or go to hell himself, I cannot be delayed in carrying over the other ghosts."

From what is said, I am unavoidably led to make reflections, viz. that it could have been but to amuse himself that Mercury made this speech; or rather it is to amuse others, that I suppose Mercury to have made this speech; because it is as fixed as fate that the copper must be paid, and no consideration in the case of the individual, can excuse or dispense with this perquisite of Charon's from the dead. I admit that if the being the occasion of great profits to the ferry, could entitle any one to pass themselves, no one could have a better claim to this indulgence than his present majesty, king George the third of England. I should like to see, by some one who had a statistical talent, a calculation of what number of men, women and children must have perished by the sword in the course of his reign, saying nothing of scalping, but just accounting for dead, as if they had their scalps on, and had not been put to death by the allies of the British nation. For though I do not know that king George ever had his spurs on, much less rode a horse into battle; but rather think he never actually killed, perhaps, a fly, yet I attribute to himself and ministry, perhaps himself chiefly, the greater part of the bloodshed that we have had in the eastern and western world for half a century. Commercial avidity and love of gain, have been at the bottom of all our wars, and these have sprung mainly from the policy of Great Britain She may grin and bear it; but I must pronounce this sentence upon her councils, though born in her island, and strongly attached to her real interest, and to all the lustre of her reputation in literature and in the arts. I see her conduct from a different point of view on the shores of the Delaware, or from the banks of the Ohio, than can be seen from those of the Thames, or from the Frith of Forth, or of Clyde. But not to involve myself in general speculation, I confine mysel to the wars wa-

ged with these States; and if future historians do not say that these were unjust on the part of that island, I have never been capable of discrimination in the right and wrong of things. That resistance on our part was at least just, I will contend: for how else could I reconcile it to myself to celebrate our victories, as some do who affect to think, or really do think, our cause bad? And yet there is this inconsistency in men's mouths: for there are those who speak of our achievments by land or sea, where we have been successful, as the deeds of heroes; and yet of our cause as unjust, which must make it murderous to have contended. For an officer may resign, when an unjust war is declared; and ought to resign, and refuse to be accessary to the homicide which it occasions. With what conscience, then, can a man, opposed to war generally, or to a particular war, from the grounds of it, allow praise to those concerned in it? It will be said, he may praise the valour of the soldier, but arraign the cause in which he has fought. There would be the same reason in the case of Barrabas, a murderer and robber amongst the Jews, who deserved a crucifixion. His resolute acts may have discovered bravery, and have been thought to deserve praise. No: if I did not think the cause of a nation just, I should join in no celebration of its victories; or in giving dinners to commanders by sea or land that had fought in it. Much less would I loan, or vote money in a public capacity for carrying it on; for that must be the height of wickedness. Let all men retire from trust, military or civil, that do not approve of the national declaration; and let them do no more than what, as citizens, they are by the laws of the society compelled to do. But I hold it, that no man, contrary to the national sense and declaration of opinion, has a right to speak, or publish that a war is unjust, let him think what he may; but this would lead to a legal discussion, which I am not disposed to enter on at present; but which I could undertake to establish in due time and place. Such speeches and writings must come under the head of sedition; and though we have no act of congress at the present time making it indictable, yet at common law, and under state jurisdiction, I can have no doubt, but that such speaking and

publishing would amount to a misdemeanor; a circumstance of which some would not seem to be aware.

As to all war being unlawful, it is but the opinion of a subdivision of the Christian denomination, founded on the taking in a literal sense, what was spoken in a figurative, by the author of our religion. But, that a war of ambition, or springing from the love of gain, is murder, I can entertain no doubt It is chargable, as homicide, upon the prince or country, who wages it unnecessarily, or without just provocation.

What hinders to intersperse general principles of philanthropy in a work, the general object of which is to restrain ambition and false sentiments of men, by parable and apothegm to the contrary?

The above paragraphs in this third edition of this work, are written flagrante bello, with the British king, who may not be answerable for this particular war, being in legal language a lunatic. But, independent of this war, he had more to answer for in the former war for independence. He had his Indian allies in that war, and he has left them to his son, the Prince Regent, in this.

CHAPTER IV.

THE people were the more reconciled to the circumstance of not getting the bog-trotter appointed a major general, inasmuch as there ceased to be an occasion for one. The Indians humbled by their late overthrow, were disposed to treat; and the settlement having collected a few blankets, were willing to part with these, to save ther scalps. An Indian treaty was held, to which Teague was commissioner, and being told that he was the warrior who had discomfited them, they were the more disposed to listen to his terms. There were Red Jacket, Blue Jacket, Yellow Jacket, Rattle Snake, Terrapin, Half Moon, and Half King, on the part of the Indian nations. The bulwark of the Christian religion, underhandedly, by means of traders who passed for Indians, having assumed their dress, and could speak something of their language, secretly opposed the treaty; but with the aid of a few kegs of whiskey, it was

barried against them.—The hatchet was burried deep, and an oak tree, figuratively speaking, was planted on it. The chain was brightened, meaning the chain of friendship. The whites were called brothers, and belts of wampum were spoken from; and the usual ceremonials of a treaty gone through, when the Indians returned to their own country, apparently satisfied with what was done.

The bog-trotter was in his element in the transactions of this treaty, drinking whiskey, and shaking hands with the Indians. It was not to be wondered therefore that his popularity increased. But a very extraordinary circumstance gave a new direction to his mind, and put him upon another scent. A camp-meeting was shortly after held upon the very ground the Indians had quitted. The nature of this convention is well known in our times; but for the sake of posterity, it may not be amiss to give some idea of it. The inhabitants collect even from a great distance, and carry provisions with them, and baggage wagons. They encamp usually in a wood near a stream of water, for days together; forming this assemblage for the purposes of religion; exercising their minds, and in proportion, their bodies, all at once, and in expectation that by mutual sympathy, their zeal may be increased, and their devotion rendered more fervent. Certain it is, that this assembling has the effect of agitating the mass greatly. Convulsive gestures and gesticulations are symtoms of a mind conceiving new ideas. Shouting, falling down, and tumbling are concomitants of a reform, and an evidence of a right conception of things. The more extravagant the actions, the surer signs of being in the true faith. Philosophers, and some physicians, think it a disease of the mind, and call it an epidemic phrenzy. Be that as it may, whether Teague was caught with contagion, or by his natural sagacity saw that it attracted attention to the individual who appeared to be most moved, and projected from his proper positions, he did not hesitate to participate in this tumult.—This brought him into great account with the religious and the preachers pronounced him one of the converted.

The governor considered all this as but madness and fanaticism, yet he did not discourage the bog-trotter in his freaks; nor interfere with the people in their visions, and extacies; knowing that the phrenzy after a time will always dissipate, and the subjects of it come to their right reason. His ideas on the subject of religious toleration were correct; and though he disapproved of founding religion in passion, it being a thing of reason, judgment, and habit,

yet he had seen that by directly opposing this error of the understanding, the pride of the multitude is enlisted in its service. He offered to make Teague his chaplain, since he had taken this religious turn; provided he would cultivate rational ideas, and study a sober system of divinity, the body of which would be morality, and would lead to the practice. For, in his opinions, it was but a spurious, or, as a scholar would say, a pseudo-religion, that did not make a man more temperate, and more just. I incline a good deal to his way of thinking. But there are others who entertain different notions. I admit that a Boanerges may do something towards rousing the attention of a rude multitude; or of an uncultivated individual, and this by a loud voice, and alarming representations of the consequences of a vicious course in this world, or that to come; but mere noise and tumult conveys no ideas; and the effect cannot be lasting, and the reform produced, permanent. For which reason I place religion in the understanding; though doubtless the hopes and fears of the human mind may be considered passion: and so far as this goes, I agree that in planting religion in the heart, we are to pray in aid of the passions. But the truth is, I incline to think, with those who consider all religion as but the cultivation of good habits; and this from the consideration of present convenience, and future happiness. I say present convenience; because there cannot be a deviation from virtue without bringing with it a degree of punishment to the individual, even in this life. And if there is a future state, which philosophers may doubt, but cannot avoid hoping for, the condition of an individual must take its complexion from what has been done here. But I do not say that every good deed receives its full proportion of reward here, nor every evil deed, its correspondent degree of punishment. For the strongest argument from natural reason in favour of a future state, is that this is not the case in this life: and therefore there must be another, as making things equal. But I would sooner take my chance with the conscientious moralist, than with the rapturous enthusiast, who has more sail than ballast in his devotion. "Do justice, love mercy, and walk humbly,' I take to be the religion of reason, as it is of revelation, and to that I hold As to making Teague chaplain, I have no idea that the governor was serious, but merely suggested it, in order to divert his mind from military promotion, and from his tumbling, and casting somersets at camp-meetings.

OBSERVATIONS.

IT will not be understood from what we have said in a preceding chapter of this work, that bibles were exchanged, or given in barter, eo nomine, for children's scalps, or those of grown persons, by the mother country of Great Britain. But the truth is, we mean to caricature the inconsistency of calling this nation the "*bulwark of our religion*," while at the same time she acknowledges as allies the savages who are in the habit of taking scalps. Doubtless, I distinguish the bible societies, as they are called, associations of the purest benevolence, amongst that people, from the government itself, by whom these allies are acknowledged, and their mode of war of course sanctioned; but it is a distinction that a foreign nation is not bound to make; nor, in fact, can make. For transactions emanating from a people, whether of a part or of the whole, and falling upon another society, are felt as the act of the whole. But is it not inconsistent in these societies, to be sending bibles and missionaries to teach and inculcate creeds, amongst savages, whilst these savages are at the same time acknowledged by the government, a part of which the people are who constitute these associations, to be allies, and subservient with them in the war which they carry on? Why do they not send their bibles and missionaries to the Prince Regent and his council, and not to savages, amongst whom they will be as little read as by the bears and wolves of the wilderness, to whom they might just as well be dispersed? For until a savage is civilized, and is brought to cultivate the soil, and have a fixed residence, he differs in nothing from the wolf or the bear, as to any possibility of implanting systems of faith, or truths of religion.

Do we hear of any of these bible associations in Great Britain, remonstrating with the government of their country, against the practice of employing savages to kill and scalp individuals? Not a word is said by any of them, that I hear of, against the suspending a scalp with the speaker's mace in the government-house of Upper Canada. Silence in this case, and under these circumstances, may be considered as approving. Are any of the good and religious people of Birmingham and

Manchester, who forge steel, and manufacture scalping knives, members of these associations, or do they contribute to their funds? If so, it manifests a strange inconsistency in the human mind, not to reflect that the selling a scalping knife, or tomahawk, and the *bestowing a bible*, makes the act a felo de se, and destroys the whole effect of the charity. I could wish they would send Castlereagh a bible, if it would do him any good. So that my burlesque does not at all affect the good intentions of the donors in the propogation of the gospel amongst heathens; but the fruitlessness in the effect, while they are of a body from whom they cannot be distinguished as independent, who show by their acts, a disposition of mind in the very face of all that is inculcated by Christianity, which is peace and good will to man.

It was always matter of astonishment to me to hear it suggested, that this war in which we are engaged with Great Britain was *unjust*. The fabrication of a single scalping knife in their island, and sending it out for the inhuman purpose of Indian murder, and excoriation, was a just cause of war. But was it expedient to invade Canada? Was it a measure of defence to interpose between these armourers and the savages, who used the arms? An answer to this question will solve the problem. It is not for the butchers of the island that her manufacturers forge scalping knives—for these knives are crooked and of a peculiar configuration; and the tomahawks are formed with pipes in the pol, which show the face of the hatchet to be for the use of the savage. Shame to the name of civilized man, much more a Christian people, that such things should be done.

CHAPTER IV.

As we are on the eve of a republican government in this new settlement; or rather we have a chaotic government, that may in due time be reduced to a republic, it behooves us to consider a little what are its evils, and the causes of its overthrow. Laying aside those which are common to all governments, and amongst these the

incapacity of those that govern, it would seem, in a greater degree than perhaps any other, that in a republican government, fault is found with those that govern; and weakness, or wickedness is imputed even to the wisest measures. And this on the plain principle of self-love; because every man covets distinction, and is ambitious of power; and where the government is by representation, all cannot have office at the same time.—Hence it is, that those out cannot be those in; for that would be a contradiction in terms, and in the nature of things. For it is a quality of matter that two bodies cannot be in the same place, at the same time. How otherwise can the body that is out, be in, but by removing the opposing body that is in possession of the place? But where we have to do with mind, it is not by the effect of material force that this can be accomplished. Laying the shoulders to, will not answer the purpose; nor will a bâton or a stick compel the giving way. It must be by the force of opinion. Hence obloquy and defamation in the election; and when that is gained, no qualification for the trust, or virtue in office is to be allowed to the successful candidate. The great moral of this book is the evil of men seeking office for which they are not qualified. The preposterous ambition of the bog-trotter, all points to this. But there is another evil, as I have said, the detraction from even the good qualities of those in power, and the denying credit even to the prudent acts of an administration. The divines tell us; at least the divines of some denominations, that even the good acts of bad men have in them a motive which turns them to sin. As two parties, therefore, must unavoidably exist, in every government of the people, the ci-devant or ex-representatives, with those who have not yet been representatives, on one side, and the present incumbents on the other, a continual war must be carried on; the true motive and object kept out of view. I have thought sometimes of putting, in plain language, what those on the outside the house, looking in, would say, were they to speak out, to those congregated within the building. I mean, were they to speak without dissimulation of the motive, and the object. Let us suppose the opposition convened, and if they could be kept from sticks and stones, and use their tongues only, without prevarication, would not their oration be somewhat in the following vein and tenor.

"You seem to be pretty well lodged, good folks, and have got a pretty decent house over your heads; while some here-

are obliged to stand without, that are perhaps not less deserving than yourselves; and amongst these not a few who know what it is to sleep in-doors, and to partake of the hospitality of the government. You take it hard at our hands, that we do not approve of a single act that you do, or of a single measure that you take. It does not suit us to approve; because our object is to get you out. If the man at the helm steers N. by W. we say it should be N. by E. And so through all the 32 points of the compass, should he vary his course accordingly. If he should be steering a course directly S. we would arraign him for a fool, to attempt to steer in the wind's eye; and if he should alter his course a point or two, we would exclaim that he was steering in the wind's eye still; for the wind has changed.—— Bear away, luff up, it is still wrong. Do you not see breakers ahead? we will say. And when he puts about ship, the breakers will be on the other side; and this, though in the middle of the ocean, where no lee-shore can be found. The secret of opposition is to find fault with whatever may be done. If there is really fault to be found, the matter is easy. Every dunce may enlarge upon this. But where the measure is a dictate of prudence, and the result of consumate wisdom, *hic labor, hoc opus est.* It will require more talents, or at least more industry, to make it appear bad policy, and defeat it. Even if it should succeed, no credit is to be given. For though it happened to hit, yet upon the whole it was a mischief from the bad consequence that will follow. You talk of candour.— Where was your candour when we were in? Was it not by exciting clamour against even the wisest measures that you got the people on your side, and put us out? You have the good sense to pursue the very measures, in some instances, which you exclaimed against. But you say that the evil cannot be corrected all at once; or it would cost more to undo, what was done, that to let it stand as it was. Is this candour? The fact is, all idea of candour is out of the question. It is your places that we want; we care nothing about your measures. The better they are, the worse for us; and we are, on that very account, the more disposed to find fault.

"You will say, we are not good citizens. But, we are good

partizans. There is a wheel within a wheel in all governments; and it is the inner wheel that those out of power have to work; and not the outer wheel. You that are in power have to turn that; and it is our part to stop it if we can. "Stop the wheel of government," means the outer wheel; for the inner wheel never stops. It always goes a contrary way to the outer wheel; or, to speak mathematically, moves in a contrary direction; but not that the movers mean to stop the outer, altogether; but so to impede the movement, that the machine in the hands of those that seem to have the direction of it, may appear useless, or defective in its operations.

"You talk of our invective, scurrility, &c. &c. &c. Are there not such things as [redacted] on board vessels? Is it not against the laws of war to use these. At least is it not against the practice of nations; and it is the practice that makes the law; the usage of nations. The practice of our editors of papers, and of yours, is what sanctions what might otherwise be called abuse; for the very nature of personal abuse, is changed into the contrary by use. A dictionary of hard terms, might be composed out of the gazettes, to suit a particular party; but without sensible variation might serve all. It is a desideratum in political literature, that we have not such a book, for the use of schools. It might be made out of the newspapers; not that this would hinder the adding to the language, new terms; for speech is not made from dictionaries; but dictionaries from speech.

——— sic valet usus
Quem penes arbitrium est, et norma loquendi.

New terms of reproach will at all times spring up, and old die. This, the poet, speaking of all languages, correctly states.

Nedum sermonum stet honos, et Gratia vivax,
Multa renascenter quæ jam cecidere cadentque
Quæ nunc sunt in honore vocabula.

"Nothing offends a Frenchman so much as to be called foutre; or an Englishman to be called a John Bull. The nation is called John Bull; but that is a generic term; but when applied to the individual, is not so well taken.

"The art of blackguardism, notwithstanding its cultivation in these states, may be said, like many other arts and sciences, to be yet but in its infancy. Invention is rather a gift, than an acquired faculty; nevertheless it is improveable; and much might be done by skilful tutors, taking youth from their early years, especially such as may have had the advantage of a good family education, in this way. It is observable, that editors from foreign countries have distinguished themselves in this species of logomachy; not owing, as some alledge, to a superiority of genius, or greater aptitude in acquiring languages; but to the progress they had already made, before they left their mother countries. It is altogether a prejudice of Buffon and others, to lay it down that the human species, as well as other productions of the new world, are inferior in kind to those of the old. It is neither so in size nor intellect. Give us time, and opportunities, and we need not despair of producing party writers of a mammoth size in all the defamation by word, or thing of which we have had imported specimens, from the other side the water. If you wish to avoid the artillery of such, take our advice, and resign. We have no ill will to you, more than we have to a turkey-buzzard, but because you are in our way. At least, let us take turns, in doing public service; not at the pump; for though it is our business, under present circumstances, to pronounce the ship leaky and ready to sink, yet we do not think that she is precisely in that condition, notwithstanding your bad management; and we are willing to take her under our direction, even in her present state. The honour and the profit are both in favour of those who are officers, and have the command. But as for you, out, you shall go; we do not mean out of the ship, but out of your offices and the emoluments. Our party must be in; and that is the short and the long of the whole matter. If you do not go below deck, we will blow up the ship; not one of you shall go aloft till we have the command."

This would be the language, doubtless of the open hearted and plain spoken. But as men row one way, and look another, it is not so well calculated to effect the purpose, as indirect attack. It is not those themselves that are in possession that

are to be addressed, but those that put them there; or at least assisted for the time being. It is in vain, to try to persuade a man himself that he is in an error, because he enjoys a benefit; but there are those who may be brought to believe this, who are not so much, or at least so immediately interested in the matter.

I feel myself disposed to bring this book to a conclusion; not that I have said the thousandth part of what I have to say, but because I wish to lay by a while until I see what effect what I have said, may have upon the community. I do not mean as to any approbation of the work, for that is of little moment; but what reform it may work in morals and manners of the people. It is for them that I labour, though perhaps they may little thank me for it.

CHAPTER VI.

WE have seen that a sort of constitution had been formed; or rather government constituted; for the Captain had been chosen Governor, and the blind lawyer appointed chief justice. A sense of self-preservation had led to this. For it had been found, that in a situation of things approaching to a state of nature, the weak were a prey to the strong, and oftentimes, among the strong, there was much wrong done, not being sufficiently afraid of each other, when the corporal powers were nearly equal; and, until it had been ascertained which had the mastery, much maiming had prevailed. It had been customary for individuals so leagued together, to defend themselves; and there was much gouging and biting on both sides, when a contest of the few had arisen. Settlement against settlement was pitted; and district against district, oftentimes with much battery and blood-shed. Calling out for help was usual amongst the combatants, and it was counted dishonourable not to interfere, by those not engaged.

An honest man walking home one evening, and, whether from intemperence or sleep, nodding as he walked, which being mis-

taken by a ram for a menace, was butted, as the phrase is, and overthrown, calling out, "is there none of the down county boys here?" This may serve to give an image of the state of society at this period. It will serve still more to illustrate this, when I relate the following anecdote. A lawyer, or at least one who called himself such, of small stature, and delicate structure of body, being applied to by a client, who having money, but being of a strong body, offered to do all his fighting for him; that is, for the pettifogger——That will not do, said the wary advocate; for you may not be at hand always to protect me from an insult, much less from assault; but if you will permit me, on some occasion, to overpower and beat yourself; that is, to seem to do it, as your prowess is incontestible, it will secure me ever after; for no one will molest me. It was agreed; and a sham battle being fought, the advocate, as was agreed upon, got the better. But the whole coming out in due time, when the laws began to be established, the bruiser, as he had been called, prosecuted the advocate; who pleaded *son assault demesne*, and relying on the maxim, volenti non fit injuria, he was acquitted; and on the civil action, no damages were found against him.

It was on this principle, and in this state of things, that the Captain had been elected governor. For, coming to the settlement, attended by his posse, Will Watlin, Tom the Tinker, Harum Scarum, and O'Fin the Irishman, a damp was struck upon the hearts of the insurgents in different places, which the people seeing, recurred to this new power for safety. Will Watlin having pulled up a grub, and entering the town, called it a switch, as I have seen represented on the stage in some dramatic composition; the people thinking that if that was a switch, what would his baton or cudgel be? O'Fin the Irishman had, in fact, entered with a log on his shoulder, which he called his shilelah, and threatened death and destruction to all that came his way. Harum Scarum had a branch of an oak tree, which he trailed after him; and Tom the Tinker approached with a club, which he called his hammer. It was much larger than the club of Hercules is painted, and though he had not the

rength to wield it with equal ease; yet, poised upon his right shoulder, it had the appearance of a weapon that would do much execution. Teague, the bog-trotter, though with great difficulty, drew after him a piece of a pine log, which he said he had been tired wielding, and knocking down people with. The Captain had a staff, not as large as a weaver's beam, but far surpassing the size of a common walking-stick. From these appearances, there had been no resistence made; and in due time the country thought it advisable to put themselves under the protection of persons whose object it seemed to be to keep the peace, and maintain the laws. The Captain had been chosen Governor. But in writing the chapter of the last book of this work, I had run over a great space without entering into the detail, or minutiæ of events.—For that, and no other reason, it may appear to want verisimilitude of incidents to support the probability of the narrative.

"Premiere de Rois etoit un soldat hereux,"

Says Voltaire: and though it may be disputed whether knowledge is power, yet no one can deny, but that wattles and hearts of oak have a great tendency to procure submission.

But the Captain himself was uneasy under this usurped authority; and the people began to talk of his resembling Bonaparte. There were those who threw out hints that he had an understanding with that emperor. It was much agitated in beer-houses, whether he was not under *French influence*. He denied it, and stood to it, that he had no correspondence with the tyrant. Is it possible, said he, that I could have much attachment to Bonaparte, who has no attachment to me? For I am well persuaded that he has never heard of me; nor can he possibly regard what government, or kind of government, I have over a few raggamuffins assembled, or rather scattered in a distant quarter of the globe. It is true, I did happen, coming along to speak a few words of French, at least they told me it was French, which I had from a parlez vous, a carrier, that spoke a certain lingo to his horses; because, being used to his vocabulary, they understood no other language; but it was in the most perfect simplicity of mind; and I am not sure that it

was French that I did speak, or rather that he spoke; for what I said was in imitation of certain sounds, rather than words of his, as I could catch them from the rapidity of his pronunciation. But why need there be a noise made about it? I am ready to lay down my oak stick, which has been the badge of my government, whenever any one of you chooses—Let it be laid down.——And with that he flung it across a potato patch as far as he could throw it. Now, there it is, said he, and you are a free people: but what are you the better for that; was it not to keep you from broken heads that I took up the government? You talk of Bonaparte usurping the government—what government did he usurp? Had not the people of France found out that there was no government, and could be none short of a despotism? The constitution of 1791 had given way: that of 1793 had gone to the tomb of the Capulets. Was there not one of 1795? If so, it had also gone. The only two of the directory that had any talents, or integrity, Barthelemi, and Carnot were departed to Cayenne. The better part of the council of 500, and of the council of ancients, I mean the best men of these bodies, were carted in iron cages to the sea shore and sent off in frigates. Could there be said to be any freedom at this time? What was it that induced Abbe Sieyes, and other men who had been tired of making constitutions, to send for Bonaparte to Egypt to take the helm of the state vessel? For, pursuing the figure, when the vessel is at the mercy of the waves, tost and ready to run upon the breakers, is it usurpation to take the helm, and steer her in safety? Comparing small things with great, myself to Bonaparte, did I usurp any authority, when you yourselves called upon me, being at loggerheads, to take the government? But as I have more concern for you, than you have for yourselves, I will retain it a little, with a view to preserve order and regularity among you until you get a constitution, if by that means you can secure your liberty.

This speech being ended, it was agreed to consider of a constitution.

It was debated in the beer-houses, whether a despotism was not best; or the continuance of the present constitution. But

it was carried nemine contradicente, that something new should be adopted. It was agitated how a republican government should begin. Doubtless, it was answered by a convention of the people. It was asked, how should that convention be brought about? It was answered, in the same mode, and by the same means, as what is called a camp-meeting: this is a gathering of fanatics, of which we have seen examples in almost all parts of the United States. But would there not be danger of the same tumblings, and jumpings, and contortions of body, and agitations of mind, as at those congregations? No: because the female part of the society would be excluded. These are not only convulsionists, but the cause of convulsions becoming general among the multitude, by sympathy of feeling, and ecstacy of vision. Keep these away and the meeting might be kept sober, unless indeed spiritous liquor was introduced. And when serious business was on the carpet, this might be excluded, allowing a few days of intemperance, in the manner of the ancient Germans, before the council had begun.

It was agreed that a general warning should be given to meet under bushes, and tree-tops, by such a day, not in conclave or divan, but in a general convention of the people, to deliberate on the frame of a constitution. But were they all to convene, every male, of whatever age, embracing infantia, which ends at the age of seven years; pueritia, which terminates at 14; adolescentia, which lasts until that of twenty-one years; or juventus, which may be considered as ending at the age of thirty-five; or the virilis ætas, which is complete at twenty-eight, and lasts the whole life of man? Senium, or old age, commences at fifty-seven. Was this age to be excluded by reason of imbecility, from the deliberations of perfect men?

Another question arose, was every man that wore a head, tag, rag, and bob-tail, to assemble and have a vote? In contemplation of law, at the formation of our republic, it must be so. And though, in fact, it never was the case, yet the principle stands immovable, and all must be supposed to have a voice. "We, the people," admits of no exclusion. But are people to be admitted who have no understanding? Who can undertake

to say of another that he wants sense? Intelligence cannot be weighed by the pound or ounce, or measured by the ell or the perch. Who is to make the selection from the mass? It was agreed, therefore, that all who chose to meet, should convene. Advertisements to this effect were put in the gazette, having a journal or public paper in town; and cards and hand-bills were affixed upon trees and barn doors, and chalked upon fence rails, and those who could not write, proclaimed with the voice, the general assembling of the people.

The day came, and the hills were covered. Those upon the low grounds shouted up to their superiors on the hills; and the hills vociferated to those below. But great confusion ensued, by interruption and discussion. Some order became necessary, and the reducing the multitude to a smaller compass; but this could not be done, until a part wearied out, and wanting food, departed to their homes. There were but about a score remaining, when the next day appeared.

Having taken some refreshment of food, these set about the business. But half asleep, they were incompetent, and had to take a nap before they could renew the task which they had undertaken. It was now debated, whether the present could be considered as representing those that were absent. This was plain: for all had had an opportunity, and might have attended, if they would.

The question was now agitated, should they have a constitution? Upon this there was a diversity of voices. Said an honest fellow, what have we to do with a constitution? Why form one? Will we stick to a constitution, when we have made it? A constitution is like a nose of wax. it is twisted by the party that is predominant. It might not, however, be unadvisable to have some outline of a constitution; some groove within which to move, some shape and form of the machine of government. If the people cannot all convene, or, if they do convene, cannot act without confusion, as the late experiment had abundantly evinced, it would be necessary to have some means of reducing them to a narrower compass. Let there be primary assemblies, meetings of the people in particular districts, and let these elect and send representatives to a secondary. Let these sec-

ondary assemblies select from among themselves, and depute to an ultimate body, who shall from time to time meet and frame the laws. Judicial officers must exist distinct from the legislature; executive distinct from both. Who shall appoint these officers, and in what manner it shall be done, must require some designation, or rule laid down. The nature of the government itself must be determined on; at least some name must be given it, whether it shall be called a republican government, or an aristocracy, or monarchy.

CHAPTER VII.

UNDER the existing constitution, the patronage of the governor was considerable. This very thing, which at first view would seem to be a ground of his security, was the cause of much uneasiness, and constant opposition to his administration. For not in one case out of ten did he make an appointment, but some concerned became enemies. The one appointed was an enemy, because his appointment was not as good as he had expected; and the others of the community were dissatisfied, because he got any appointment at all. For there was not one who did not think himself better entitled, at all events, better qualified. Some were vexed because they had not been chosen governor themselves, and no appointment would have satisfied them. There was a weaver amongst these who had pretensions to the chair, and raised a clamour against the constitution, thinking that, in the confusion that would ensue, things being once more put into hotch-pot, he might renew his chance for the office of chief magistrate; that, having failed to be put in nominatton under existing circumstances, he might have better luck under a new arrangement. A second chance he would have at all events, and it might be more favourable in the result; inasmuch as the very bustle he was making in the affair of the new constitution, would bring him into great notice, and increase his popularity, there being now an indifferent mass of citizens who were dissentients from the same motives with him-

self, and might promise themselves something from the confusion of affairs. But the proposition of a new constitution, as being less alarming to the bulk, was suggested under the idea of an *amendment*. For the revolutions in France about this time had created some alarm, at the idea of changing rapidly all at once from one constitution to another. But who was there who could have any reasonable apprehensions of risk or danger from an amendment? But it being thought advisable to specify some amendments in order the better to bring about a convention, there was no one that had not the sagacity to find out some things that might be put on a better footing than they had been. As for instance, the weaver seemed to think that the price of weaving ought to be raised; and that no customer should hereafter find fault with the work done; and that he should pay for it as soon as it was done.

All this seemed reasonable, especially as the cordwainer, and the brick-layer, could easily see that in the course of the deliberation, it would naturally take a wider range, and introduce a clause providing for them also. For though not by name in the first instance; yet all occupations would be virtually included and enjoy the advantage of the like reform. It had become a cry pretty much prevailing, that the sitting of the people should be *permanent*, and the constitution revolutionary; so that whenever and wherever the shoe was found to pinch, it might be altered.

Amongst the mal-contents with the constitution, it was not a little unexpected by the governor, to find Teague O'Regan, his late protegee and associate in his peregrinations. For notwithstanding he had, in the first instance, been appointed cryer of the court, and in the next, advanced to the grade of auctioneer, he was dissatisfied because he had not been made chief justice, or advanced to that of secretary of state. For these reasons he was amongst the loudest for a reform, and proposed an assembling of the whole people, once more to fix upon a new constitution. The governor conceiving himself to have some kind of right to control and regulate the ambition of his bog-trotter, took an opportunityt to expostulate with him on the danger and inexpediency of the proposition at this time; and more particu-

larly on the indelicacy of persons newly come into the country, taking upon them to be the first to propose a revision of that frame of government, which they had found prepared for them, and what, on becoming citizens, they were under an implied obligation to support.

Teague, said he, you cannot but recollect the inconsiderable station from which I originally advanced you; being a redemptioner on board a ship from Cork in Ireland. In fact, though you called yourself a redemptioner, you were a bound servant for years, and in such capacity you were under an obligation to serve me, nevertheless, I treated you as a redemptioner, paid the money for you, the passage-money, and told you that as soon as you had served me to the amount of it, at the yearly hiring of a labouring person, I would give you your liberty. The business that I set you about might be called drudgery, because you were fit for nothing else; but did I not as soon as I conveniently could, endeavor to amend your station, by making you my body servant, and taking you with me almost in the light of a companion in my rambles? In the course of these, in proportion as I saw an opening, I was disposed to advance you still more, and to bring you forward. Was it my fault, if, in these prospects, which seemed to be occasionally flattering, there were some disappointments? You know well what happened, from first to last, when being made a judge you kicked an associate off the bench.

Have I not done as much for you as I well could do, since coming to this new country, and my advance to the chair of government? Did I not make you a crier of the court, and are you not now an auctioneer? What reason had you to expect that I should make you a chief justice, even though you did read law a while, and had been upon the bench in another place? This very circumstance if no other, was a reason against it; for it gave me an opportunity of knowing you were not fit for it. You have not the patience of a judge even if you had all other qualifications. I could not make you secretary, for you cannot write; and though you might act by deputy, yet it is but an aukward thing for a man to be secretary, which imports by the usage of the term, some ability to minute matters, and not to be able to write his own name. It is impos-

sible for me not to know that whatever you and the others of you who call out for a new constitution are moved not by your own opinion of defects visible in the old, but because you think a new may be more favourable to your particular pretensions. But setting aside all that could be said on this alledged point of private views on your part and theirs, is there not some decency to be observed on our part in coming into this country, in proposing innovations? Can a bog-trotter just from Ireland like you be supposed to be cognizant of the genius of the people sufficiently to form a constitution for them? Is it the most delicate thing in the world to undertake to find fault with that which they have formed? I feel it on my part a matter of peculiar delicacy to support an opinion. It hurts me even that you lately in my train, should cavil against it, least it should be supposed to be at my prompting; though there can be no ground of presumption that I who have been complimented with the government, could cabal to overturn it. Yet one cannot tell what those who are the advocates of what they call a reform may do, or say in order to acquire weight to their machinations. They may pretend, that I who hold an office under the constitution and am sworn to support it, do not approve of it. They will alledge in proof of this, my having an officer who is foremost in his vociferation for a change. You do not consider Teague where this may end. The termination in France we have all seen; it was the guillotine.

What is de guillotine? said Teague. It is, said the governor, a thing in the shape of a crowbar or a harrow with teeth of a foot long, which they draw over a man's back, and scratch him as you would the earth in which seed is sown.

The truth is, the governor did not himself know precisely the form of this instrument, nor the manner of its operation; but it was necessary to seem to know, and to give a description, as he had alluded to it.

It is, continued he, a horrible instrument; and the meddler with constitutions, is in danger of coming under it. A regular tenor of things is the safest condition. In order to be safe from the irons of a saw-mill, let the unskilful beware of meddling with the wheels. In the same manner I may say that the prudent man will keep aloof at these times, from the danger of

unseasonably intruding himself as a mender of constitutions.—Agreeably to this is the distich of the poet,

" Ah me, what perils do environ,
" The man that meddles with cold iron."

You enjoy the lucrative office of an auctioneer, and having seen a great deal of the world, ought to have begun to learn that those who advise, have not always the interest of those whom they advise, in view. May it not be in order to serve themselves and perhaps in the turn of affairs to get your office, that persons flatter your vanity as whom it becomes to put yourself at the head of a reform in the state? I would not be willing to take an oath that even some of your own countrymen may not have sinister ends in view, in putting you upon this project.—For that you are propelled, I am strongly inclined to think as I have always found you yourself disposed to be contented with your station, except in cases where the mistaken notions of others working upon your inexperience and mine, have misled our understandings.

These reasonings had weight with the bog-trotter, and more especially that part of the expostulation which respected the danger of the guillotine; for though the mode of its use was not minutely explained, yet the imppression made, was that of a cutting, or tearing instrument, in either case, painful to the patient. But though intimidated, and of himself disposed to cease his opposition to the constitution, and his clamour for a reform, yet his countrymen out of doors, and others of the multitude desirous of a change, still continued active at vendues, particularly, to urge the bogtrotter to a perseverence in his endeavours in favour of what they called liberty.

There was no station that could put him so much in the way of being wrought upon by the designing, as that of auctioneer. For it subjected him to flattery, giving an opportunity to compliment the strength of his voice, his vein of humour, which term they could give to his coarse jokes, and call it wit. The bottle occasionally going about, as is the custom in the country, at using which, drew from the croud also much applause; for in proportion as the crier was pleased, he put about the bottle, and it came in the way of the man that had given the last bid

It was indeed a matter of complaint against him by t ose who had articles to sell that he would suspend the hammer; or as it was a mallet that he used, he would stand with it lifted up, until some one had finished what he had to say about the constitution. And instead of anouncing the name of the article put up, describing its utility, and expatiating on its value, he would forget himself, and instead of a good thing, this, or that, he would call out, an excellent constitution; not at half its value; who bids more, another cent buys the whistle. Three times.

There were petitions for removal on this ground. But what could the governor do? The mania had become general.—Not an individual that was not affected with the rage of constitution making: not an occupation in the exercise of which something relative to amending at least, the constitution, did not break out in the language that was used. It was not alone in the case of the auctioneer, that such a derangement as it might be called, had begun to show itself; but with persons in almost every other employment. The common mechanic, and labourer were led away both in speaking and acting, with an enthusiasm for a change of constitution.

"I saw a smith stand with his hammer thus:
The whilst his iron did on the anvil cool.
With open mouth swallowing," the news about a change of constitution.

A tailor was asked what he was now making? He said a suit of constitution.

A tinker what he was now mending? He said the constitution.

All that could write had drawn up forms; all that could not write, had meditated forms, and were reciting them to their neighbours. It was amusing to attend to the various suggestions of the fancy of these improvisatori; or extempore makers of constitutions. Some proposed for an article, the having a provision to fatten hogs, without corn; and it was in vain to explain to them that this did not depend upon the constitution of the government; but on that of the hog. Some wanted chickens hatched without eggs: others harvests raised without the trouble of sowing seed. All were for an amelioration of things in the natural or moral world.

A groupe had got together at a distillery; and were endeavouring to put into words, what they would wish with regard to the article of extracting more whiskey out of a bushel of grain. But they were not all of them in a capacity to articulate the article just then, and so it fell through for that time.

In order to acquire knowledge on the subject of constitutions, where any one entertained a suspicion that he had not sufficient information, which was a rare case, he applied himself to study the hiding places, or edifices of beasts and birds. For instinct is surer than reason. One man of very honest investigation, was stung in the face as he was inspecting a wasp's nest, and his face became much swollen, and was kept in countenance only by another who was in something of the same plight, from a hive of bees into which he had thrust his nose. That republic being much celebrated, it was thought the purest model that could be studied. A diligent observer of the flight of wild geese and of the manner in which one stands sentry for the flock when they alight to feed, drew thence what he thought a good lesson towards qualifying him for the task of new modeling a frame of government. But the play upon the word goose which this naturally drew upon him, threw it into ridicule. For it was observed that he must be a goose who would think of modelling a constitution after geese. By others it was called a wild goose chase that he was upon, and little attention was paid to his draught.

CHAPTER VIII.

IN this phrenzy of the public mind, it is not to be dissembled that the most active of the constitution menders, were those who had ruined their own constitution, or that of ther estates. It was observable also, that emigrants from beyond seas; and especially from the green Isle of Erin, were the most forward in offering themselves for this service. Not knowing the trouble of making a constitution, they thought it light work; being in the habit of calling out against the existing government at home, they did not distinguish that partiality which the people here must have for the work of their

own hands, and their unwillingness to have assistance not asked, but forced upon them. At all events, supposing them justifiable in the innovation, it cannot be maintained that the volunteers were altogether discreet, in the time of undertaking it.

A number of these who had come from the county Monaghan, and other places, being together singing Erin go bragh, and talking politics, the governor having actually a regard for them, as a well meaning, but impetuous multitude, thought proper to address them and remonstrate against their proceedings. A minute of his discourse has been given me, and I have set it down here to diversify the narration.

Gentlemen of the bogs, said he, or green hills of Erin: for in the geography of your country, you talk of bogs; but in your songs we hear of nothing but hills—For that reason, I shall speak of hills—

Gentlemen of the green hills of Erin, when I cast my eye over the Atlantic Ocean, or rather cast it upon the map, I see your island like an emerald as you call it, set in the waves. It is a pretty little spot, on the face of the earth, I was going to say, face of the water. Of the internal geography I do not know much, but I have heard of Limerick, and Drogheda, and Sligo, and other places—The Cunabula gentium, the birth place of your parentage. But as to those, I have not much attended to them; my attachment is chiefly to the history of the people. I know your origin if I am to believe some, and I am inclined to believe them, that you are of Punic origin, that you have in you the blood of the Asdrubals, and Hamilcars, and Hannibals of antiquity. But as the poet says,

Genus, et proavos, et quæ non fecimus ipsi,
Vix ea nostra voco.———

I set more store by what has been done upon your island in the persons of your immediate progenitors. I am not unacquainted with the fame of many great characters; Fin M'Coul, and Brian Borumy, and others. But for your divisions in your own country, you might have been England, and England Ireland. And though insinuations have been made by writers of a proneness to rob on the highways by some of you, I do not wonder at their being some truth in this. It cannot be a matter of surprize, if after the military spirit of a people has subsided by subjugation, it should break out into petty roberies of the proud victor, and a disposition should remain for a long time, to indemnify ones' self at the expense of the conquerors, for the loss of private fortune. What could have been ex-

pected of those who were expelled from the north of your country, the four counties of Ulster, but that they would turn free-booters? I find no fault with the opposition made to the government of England; for you have been oppressed by it; and I do not wonder that a reform was thought of, and zealously attempted by the governor of the country: though I do not altogether approve the irregular, and consequently useless, disturbances by hearts of oak, as they were called; hearts of steel, white boys, break o' day boys, who broke the peace of the country. For of what avail is disjointed opposition; partial insurrections, which like the struggles of beasts of burden, serve but the more to intangle, and furnish a reason, or at least a pretence for weightier chains, and stronger gearing for the future? For you see that however good your cause, and I will acknowledge that it is my opinion there could not have been a better, yet from immature exertions, and a want of concert, some of you have been under the necessity of absconding, and others of you have been shot. Those of you who have come to this country ought to distinguish circumstances. You have no doubt meditated much, the greater part of you upon political establishments; but it is not a Lycurgus, or a Solon that is wanted so much at this time, as cultivators of the soil. The constitution that is already framed may do awhile until we get more ground cleared, and fences put in repair. You will not for a moment entertain the suspicion that I undervalue your capacity for these things; but I make a quere with regard to the expediency of the occasion. You have all heard of what has happened in the neighbouring country of France, from instabillity in government, and from a change of constitution. The guillotine was the result; you have all heard of the guillotine.

The crowd, or some one in the crowd, acknowledged that they had heard of the guillotine; but had not a perfect knowledge or clear conception of what it was.

It is, continued the governor, a machine which works, as I understand it, something like a farmer's cutting-box. But the noise resembles that of a forge hammer, or a slitting mill.

Governor, replied an orator, it is not the sound of iron, or the working of hand saws, that would intimidate an Irishman; nor is it that we think we can make a better constitution than the one that is made, or set up a better government than that of which your honor is the worthy representative and chief magistrate; but just coming to the country, we like to be concerned

in what is going forward—When we see the game played, we like to take a hand. Nor is it we alone that are moving in the matter. It is your own people that have been bred and born in the country, that make the most ado. We only come in to take a lift at the log; just as our forefathers did in the war that is past, where some of us were shot as well as yourselves. Having cleared the ground of the British, along with you, we are entitled to the raising a cabin on the spot; you may call it a constitution, or what you please. But all we want is a bit of ground to set potatoes, and to plant cabbage, with the free use of the shilelah into the bargain, as we had it in our own country.

That being the case, said the governor, the constitution that you have, will answer every purpose. It is for securing you in your possessions; and the free use of the shilelah subordinate to no law but that of the country, that the constitution has been framed. But for the constitution and the laws, what would you differ from the racoons and oppossums of the woods? It is this which makes all the *difference that we find between man and beast.*

This was an unfortunate expression of the governor, and gave countenance to the theory that had begun to prevail about this time, that there was no radical difference between man and beast. And of this we may hear more in the subsequent chapters of this book. But not being in a hurry with this narrative, we shall not go on with the history of this phrenzy of imagination just immediately. It is time to rest a while; that is, to dip the pen till one looks about and reflects upon what has gone before, and may come after. What that may be I cannot well tell; for though I have all the matter of the book in my head, I have not arranged it in the series and juncture of the particulars, so that I can tell before hand what will come next. My pen moves almost involuntarily, from the mere habit of writing; like people that speak without being aware of what they say. And this unconcern arises from a consciousness that I have no harm in my mind, and therefore there can come none out; I mean, actual and intentional harm. If the maxim is true, quod non habet, non dabit, I can give no offence to any one, for I mean none. For, notwithstanding all that has been

said, or suspected, I never had a single individual in my mind, in characters I have drawn; but have been dipping my pen simply in the inkstand of human nature. If any man sees himself in this glass, tanquam in speculum, it is his own fault to put his face near it. For, it is not my intention to put the glass to him. I will acknowledge that a principal object with me is amusement, and I would hope to keep it innocent, if I cannot make it useful, and I do not see why it may not be considered as having the like chance for this, with the fable of Menenius Agrippa about the belly and its members; or any of those which are called Æsop's, under the similitudes of beasts and birds speaking. But be this as it may, if we should miss the mark, all that can be said, is that, if we mean instruction, we have an awkward way of conveying it.

But call it even our own amusement alone that we have in view, it is a picture of human nature, from child-hood to old age; from the baby-house to the laying out money in bank stock; or the purchasing land for which the owner has no occasion. It all goes to engage, and employ the mind, whether it is throwing a long bullet, or drawing up an addreess to the president of the United States. Our hands must be employed, or our minds. And this I take to be a great cause of the restlessness of a man in society, or out of it—the activity of the mental power. And in proportion as a man has less or more of the vis inertiæ, in that proportion is he locomotive or stationary.

CHAPTER IX.

IT being understood that a constitution by ten, or even twenty men, would be a thing of bad fame, the decemviri among the Romans having got a bad name, it was agreed to call a convention of delegates, the time, places, and manner of chusing of which, was pointed out.

"Tantæ molis erat romanam condere gentem."

It was necessary that information of this should be communicated. But as a journal or gazette might not reach all; or if it did reach them, they might not be able to read; runners

were despatched, Tom, Dick, and Harry, to carry the intelligence. The Captain's posse comitatis, Harum Scarum, O'Flin the Irishman, &c. having hand bills struck off, were ordered on their travels, through bush, brake and wood-land, to circulate advertisements.

Due notice having been now given, and, on the day, a chosen few having been selected from the primary meetings, which, by the bye, were not always very numerous; for, in some places, the father chose the son, and in other places the son the father; these, I say, being met, proceeded to debate on the principles of the great magna charta of a constitution. And as at Runnymede, it was literally under an oak, or rather a grove of oaks, that they were convened, a matter of debate was, whether every thing that wore a head should have a vote in choosing legislators. It was restrained to the male kind; of course, females were excluded. But, should boys come in? that was the question. Not unless full grown boys. But at what age does the body come to its full growth? Not until the age of 28, says doctor Jameson, a physician of Cheltenham, in his treatise on the body, does it come to its full growth. It spreads until that time. But impatience to have the rights of men, prevailed with some delegates, and they were of opinion to dock off seven years, and to fix the age of virility at 21; for that was the age of the common law, in most of the other states.

But should the suffrage be universal, or with a qualification of property? not real property; that was out of the question: for every check ought to be put upon engrossing the soil, as the population of the country depended upon restricting to a small share.

Camillus had but four acres, said the Latin schoolmaster; and well cultivated, that might suffice any one. At all events, it was not good policy to hold out any encouragement to engross land.

But it was agreed that every man should have a vote in proportion to his stock. For this was originally the meaning of the word chattels. We shall hear more of this anon; for it led to an opinion in the sequel, that beasts themselves should vote.

——Cujum pecus? an Millibœi?

Said the Latin schoolmaster,

But except as to the qualifications of electors, it was determined there should be no constitution; but that, bound by no girdle, when the representatives convened, they should legislate at free scope, without restraint from preconceived rules, and set forms shackling the understanding; but that it should be a pure democracy, a real republic. All hands aloft, was now the word, to man the state ship.

O' navis qua tibi creditam——

Said the Latin schoolmaster.

The Captain was re-elected governor;
The blind lawyer appointed chief justice;
O'Fin the Irishman sheriff; and
Tom the Tinker crier of the courts.

All things were going on smoothly, and there bade fair to be great harmony in the commonwealth.

CHAPTER X.

The principle of universal suffrage was much agitated: whether every poll, as the word imports, should poll, or have a vote; or that *property* should also vote. If property alone, the question would arise, whether *soil* only; or also goods and chattles. If soil only, to what quantity or quality, shall the suffrage be attached? An hundred acres of soil of a bad quality, may not have the intrinsic worth of one of good. How should an inspector, or judge of an election, determine on the quality, unless the owner brings a sample with him, as the man who had his house to sell, brought a brick. This would be an inconvenience; and would render it impracticable to escape frauds.—For a man might dig a sample from his neighbor's, and pass it for his own. And as to quantity, the occupier of the greater quantity, is the most worthless citizen; at least the one who occupies more than he cultivates; because he neither eats the hay, nor lets another eat it. It is preposterous that *soil* should vote; a dumb field, a dead tree with a crows nest upon it; an hazle bush; a morass, or a barren mountain; or even a hill with a tuft of oaks upon it. These are all inanimate substances; how

can they vote? For goods and chattles, something might be said; a *live beast* particularly, as the animal could not speak, not with a viva-voce vote, like a man; *more humano*, like a human creature. But with some guttural sound from the throat, or fauces, which might be called its own; and not like the tree with a turkey-buzzard on it; and which is not its own voice. I mean that of the tree, said the speaker, who was running on in this manner; and yet it is advocated that stocks and stones, that go with the soil, shall have a vote. There might be some reason in improvements voting; a brick house or a dutch-barn; but none at all in the *mere brutum etllus* of an estate.

This had led the way to an hypothesis, that property in moveables should alone entitle; and this, after some debate, began to be narrowed down to property in *living animals;* especially to useful quadrupeds, and those of full growth, and who had come to years, I will not say of discretion, but of maturity. From the light thrown upon the subject, the right of suffrage to grown cattle had become so popular, that there was no resisting it; not that viva-voca it was proposed or thought of, that inarticulating speaking creatures should speak out, or name their representatives, nor even that they should give in a ballot, but that they should be brought upon the ground to show their faces, that there might be no imposition, the voters alleging that they had cattle when they had not.

But it was not to every owner's beast that it was advisable to extend the right; but only to the more valuable animals: or such as were of a good breed; Virginia horses that are fit for the saddle or the turf.

It may seem very strange; but actually the thing took; and at a polling, some time after, it began to be carried into effect, that beasts should be constituents, and have their representatives. It was not to the principle, but the individual beast that some exceptions took place; as for instance, an English bull was brought upon the hustings to give his vote. We will have no English bull, said the inspectors. Not that a brute beast is not entitled to a vote, nor that a bull cannot vote or be voted for; but this is an *English bull.* No English bull can vote.—You might as well bring an Englishman himself to the polls. It is in right of the bull-keeper, or bull-owner, that the bull

claims the suffrage. If an Englishman himself, not naturalized, is excluded, how can his bull or his horse, or any other quadruped be admitted ?It would be sufficient to set aside the election if his ticket was introduced. A bull indeed! The name of John Bull is appropriate to an Englishman. An Irish bull is quite another matter; John Bull shall have no vote here.

In the mean time, a man on an iron-grey horse rode up to the window, which was open for receiving tickets, and unequivocally insisted on a vote for his horse. Vouchers stood by, who averred that he was foaled in the county, that, horse and colt, they had known him many years; that as to his paying taxes, they could not so well say, unless his labour on the farm could be considered as paying tax.

In the mean time, the horse putting his nose in at the window, taking it for a rack, an inspector gave him a fillip on the snout, which resenting; the owner wheeling round, the horse wheeling under him, he rode over one or more of the bystanders who were in the way.

Certain it is, the horse was a meritorious horse, having seen service in the campaign under General Wayne against the Indians in 1793. Nevertheless, they that had been rode over did not brook the affront, or put up with it unrevenged; for calling out horse. horse, to which some added the word stolen, as fame increases as it goes, it was echoed along the lines *stolen horse;* upon which the man was apprehended, and carried before a magistrate, who not having heard of the right of beasts to vote, thought this story improbable as he related what had passed at the window of the election house, and for want of proper bail he was committed.

It may be material to mention that the horse's mane and tail were black, to distinguish him from a grey horse that belonged to another person. I have known several that knew the horse; but who were not present on the occasion to which we refer, and so, will not undertake to vouch for the truth of it, not having charged their memory with it, or taken a note of it at the moment it occurred. Or it may be, they do not chuse to recollect it, or give information on the subject, thinking it prudent not to involve themselves on election disputes, as there is no knowing, when parties run high, how far the bare vouching for a fact may involve one. Such is the result of strong passions when not under the controul of reason and reflection. Weak persons are always the most positive, because they

cannot afford the acknowledgment of an error. It will not do to admit fallibility; for there is no knowing how far the inference may be drawn.

Another man come up who brought a sheep to the polls; a merino ram, who, he said, was entitled to a vote, having resided in the country, since he had been brought in by Humphreys, representing him to be of the breed of the great Fezzen ram, though there were those who thought it might be what is called a yankee trick; not but, that all Americans may be capable of substituting a thing for what it is not; and all are called Yankees by the British; but New-England men are distinguished; and called Yankee Doodles.

The ram is not entitled to a vote said the Inspector, nor ought he to be permitted to put in a ticket, were he of the breed of the golden fleece guarded by the fiery dragons whom Jason overcame; and brought away the wool; no; not if he was the very ram that was caught in the thicket; or that Daniel saw in his vision coupled with the he goat. But he is a Spanish ram born under despotism, how can he be expected to give a republican vote? of papist origin, he may bring the inquisition with him; coming here to vote. Besides, this is a very real sheep, that is offered; and not one whom we call a sheep in a figurative sense of the word. Where we call men horses, or asses, we do not mean always that they are so, puris naturalibus, without overalls on, with the horn and the hoof about them, but shadowing forth the same thing under a veil of metaphor, as the case may be. But not on this ground altogether do I reject him; and because he has wool on his back; but, because he is of barbary origin. The Moors brought the breed into Spain. You may cast a *sheep's eye* at the window as long as you please, master ram; but not a vote shall you have as long as *I* am here. I do not know whether you are not a half breed, and no genuine merino.—So away with him, as the song says.

"To the ewe- boughts, Marian."

Another person coming up, brought a large ox, which he called Thomas Jefferson, not out of respect to the ox, but to the man, as having a good name and reputation. Make way, said the voters, for Thomas Jefferson. We will have no Thomas Jefferson, said the inspector; he is out of his district. I assert the contrary, said the owner; he was calved in this settlement. He is called the mammoth ox, and I had thought of driving him to Washington; but that I knew, however he might be made a present to Jefferson, the

congress would eat him, as they did the mammoth cheese; so that the president would scarcely get a slice of him. For there are parasites in all countries; and the worthless are chiefly those who dance attendance upon men in office; and how can it be avoided to invite them to partake of civilities? You will certainly allow a vote to Thomas Jefferson.—No; not if he was the real Jefferson from Monticello, said the inspector. How can I tell but he may introduce the same politics? That is true said another; break judges, abolish taxes, dismantle navies, build gunboats, lay embargoes, depress armies, pay tributes to barbary powers, issue proclamations, wear red breeches, receive ambassadors in pantaloons and slippers, collect prairie dogs, and horned frogs, dream of salt mountains, walk with Petimetres, and be *under French influence.* We will have no Thomas Jefferson. You may drive off your ox. He shall have no vote here.

No doubt the judges and inspectors, being men of sense, saw the absurdity of carrying the principle so far into practice, as to admit the representation of property, by this property being itself, and in its own individual existence, the constituent. But not thinking it safe, or practicable, to resist this temporary frenzy, and misrepresentation of things, by a direct resistance, it became necessary, by direct means to avoid it. To lay it down in the face of the multitude that these new voters had not a right, would not have been endured; but parrying it by questioning the right in a particular case, gave no umbrage. It was saving the principle, though it denied the exercise.

The man that had rode down the by-standers, and was taken up for a horse thief, was pardoned by the governor. This was done to get quit of the investigation; the governor thinking it for the credit of the country that there should be nothing said about the occasion and manner of the felony; or the mistake under which the imputation had arisen.

But, party spirit continued to run high; some insisting on the right of suffrage to their cattle; and others considering it a burlesque. You might have seen shillelahs in the air, and several bullocks were knocked down that were brought up to the polls. A lad was tumbled from his palfry as he was riding him to water, under an idea that he was bringing him to aid the adverse ticket.—The lad was somewhat hurt by the fall, and the steed ran off, and could not be caught again until salt was shown, and oats in a hat,

some one crying cope, cope. The ram that had been offered, seeing arrive the sheep, cried ba; and it was insisted that he had given his vote, which the candidate against whom it was taken down, resented; and hit the tup a stroke, that, in the sailor's phrase, brought him on his beam ends. The blow, however, which was aimed at a pig in a poke, which a man was carrying home, and which was heard to squeal; struck the man himself: What, said the assailant, are you bringing here the swinish multitude to vote?

Nevertheless, it was not so much the admitting quadrupeds, but unqualified cattle that became the subject of the controversy; intelligent persons arguing that it was a thing shameful in itself, and unjust. Because it was a fraud upon the whole community, that stragglers should be brought forward, which the individual concerned in the fraud reconciled to himself on the score of serving the party: That it required some refinemen to be aware of the indelicacy of urging an improper vote. Was it reasonable to suppose that a horse creature could give an independent vote, that was in the power of his owner to be stinted of his oats, and rode faster or slower as he thought proper, on a journey? Was it reasonable to expect that the ox would think differently on political subjects from his master? Should he venture to dissent, a crack of the whip or the spur, would bring him to his senses. Even a rational creature, that may be supposed to have more fortitude, is usually in subjection to the master, in matter of opinion, where he is a slave. It is for this reason that slaves are excluded.—Whatever might plausibly be said as to the expediency of extending the privilege of citizenship to those animals that are feræ naturæ, and are at their own hands in a forest, it is quite another matter as far as it respects domesticated animals, that have no will of their own, but are under dominion, whether subjugated to a plough or a team. The wild animals that roam, have some spirit of independence. They would starve pefore they would tamely submit themselves to arbitrary rule, and government. Hence it is, that traps are used. It requires shooting to bring some to terms. But an ox may be goaded into acquiescence. He does not drink whiskey, it is true; and for that reason, it cannot be said that whiskey will purchase him; but is there nothing to be done with good grass? The inticements are various that might

be held out to allure from the independence of his own judgment.

As to horses voting on the occasion we are speaking of, so far as matter of fact is concerned, I admit it has been denied. For that though a great number of horses were seen to be ridden up, yet it is usual to go on horseback to elections, especially when the voters have to come from some distance; so that the mere circumstance of being on the ground, is no conclusive evidence of having given a vote; and this I am the more careful to note, as in the case of a new government, that like an individual, has a character, in some measure, to establish, it is of moment, that what is groundlessly alleged, be explained. At the same time, I am aware of the impolicy of denying a thing in toto where there is no foundation—were there no other reason that would induce an historian to adhere to the truth. For even where a man is pressing a matter that is difficult to be believed, and he has nothing in truth to concede, he will yield a little, skilfully, in order to give the impression of candor, and secure belief to the more important points. How much more does it behoove a writer to be careful of insisting on the freedom from all blame on the part of those whom he advocates, lest that he bring in question the veracity of his relation, when he has every thing on his side. I do not therefore say positively, that the inspectors and judges of the election, in some districts, were not deceived, and their vigilance baffled; or that they did not connive: for that would be saying too much considering the nature of affairs. The most vigilant cannot always watch; and the most severe in their notions of the rights of persons may indulge. But, granting that some horse creatures did vote, with their riders on their backs, does it follow that the inspectors had notice of it; or that the persons who usually stand by and vouch for the right of suffrage to the individual were not to blame?—They may have announced their names as rational; and under that idea, may have got their votes taken. I have been the more careful in throwing out these hints, because if it were once admitted that such votes did pass, unless surreptitiously, and sub silentio, it might grow into precedent. And we well know that, in matters of political and legal law, precedent has

the force of authority. It may be suggested, as not fairly presumable, that inspectors and judges could be deceived. I have seen too much of elections not to think that practice to be unfair, where an individual, powerful for wealth or family, is a candidate, or where there is a contest of party somewhat violent; and unprincipled and daring individuals, will take their stations, and act as common vouchers on an election day, as to the name, age, freedom, or estate of the person who offers a vote. He will be supported by pugilists, or persons prepared with clubs, who though they do not actually strike, will menace with this appearance of force, and intimidate those who might dispute the vouching that is given. I consider all this as immoral and unbecoming a good citizen. But I have seen even inspectors and judges intimidated by this show of hostility; and I would not wonder if I were to hear that, under this awe, in some place, improper votes were taken. Not that I would excuse this timidity of officers, as lessening it from a misdemeanor to a mere neglect of duty. I reprehend both the overawing and being overawed in the discharge of a public trust.

But in justice to the character of the country, I incline to think, after all that has been reported to the contrary, that instances of beasts voting were more rare than is imagined; and that a considerable foundation of what has gone abroad on this head, was the epithets bestowed by the contending parties, calling one another beasts; such as horses, asses, sheep, buffaloes, oxen, and the names of other cattle. All this metaphorically, just as persons of a less polished education, where they dispute on literary or theological subjects, call each other geese, sucking-pigs, or turkey buzzards. I have heard even well bred persons speak of their antagonists, after a warm debate, as wood-peckers and mire-snipes. In political controversies, it is no uncommon thing, to bestow the epithet of jack-ass. I have heard even an accomplished lady, use the term—monkey, speaking of an individual of the other sex. It would be endless to enumerate the application of such terms, that do not in themselves import the natural form or metamorphose of any person.

CHAPTER IX.

The Governor had been indisposed the whole day of the election, but being now recovered and the legislature about to meet shortly, it behooved him to think of an address to the representative body. He was at a loss, whether to adopt the mode of the kings of England, reading the speech himself, or having it read for him in his presence; or that introduced in these states since the revolution; or rather in this, a later period of the republican history, by sending a message, that is, a written document to be communicated by the secretary.

The message has the advantage in this, that it is a departure from the English precedent, which of itself carries reason. But there is more in it when we consider that it is more convenient. Because, when a man makes a speech orally, it is not all of it that can be heard in the crowd that usually assembles on the occasion of an inauguration. And when it is heard, it is not all of it that can be recollected. Many things escape the memory. Whereas when it is by way of written document, it can be heard to his satisfaction; not that it would be decent to encore it on the floor of the house; but members can recur to it from time to time, and read it themselves. In that case they are not kept so long standing on their feet, as when it is heard slowly and with much ceremony of bringing it forward in the first instance. For the awaiting the arrival of the governor that is to deliver the speech, and the arrangements that must be made for the places of the other officers of government, and the body of the representatives, is tedious; and it ought to be a principle in public, as it is in private life, to consult ease where it answers no good purpose to take trouble. Almost all unnecessary ceremony is displeasing to a man of sense. The finest expression that I have met with on this head, is in the Arcadia of Sir Philip Sidney: "There was ceremony without being ceremonious."

I have some impression in my mind of having quoted this very expression somewhere else, in this or some other book, but I cannot recollect with certainty, nor have I time to turn back

and examine. It is very possible that I repeat the same ideas in many places, but what of that, if a good thing is twice said? This beautiful remain of the genius of that time is addressed, if I remember right, to his sister the Marchioness of Pembroke. It is of her that the Epitaph is written.

Underneath this marble hearse,
Lies the subject of all verse;
Sidney's sister, Pembroke's mother—
Death, ere thou hast kill'd another,
Wise, and good, and fair as she,
Time shall throw a dart at thee.

You will say this is a digression. There is no doubt but it is. But it can be said that I indulge myself much in this way? On the contrary, are there many writers that stick closer to their subject than I have in general done? Besides I would not write a syllable of what I am now writing, were it not that it is thought necessary, that I should not leave my book at a short angle: but round it off, by giving it something like a natural conclusion. And the truth is, as my ideas are in a great measure exhausted, I mean those that are near the surface; I have not time to fish for such as swim in deep water, or to wait, having taken all that were of a larger size, until the small fry grow bigger. So that whenever a thought leads me into a quotation, I do not make a scruple of conscience to run after it; especially if I have any reason to think, upon the small reflection I can give it, that the quotation will be better than the original idea that might have taken place of it. So far as respects my own taste, I read with great pleasure oftentimes a book, which has not a single idea in it from beginning to end, except in the quotations. The only question that is made, will be, is the quotation from a good author; or does it amuse or instruct? Nor in reading good moral observations, or anecdotes of great men, do I care whether they are in a connected series, or strung together like Swift's "Critical Dissertation on the faculties of the human mind." The Apothegms of Plutarch are somewhat in the same way. The Chapters of Athenæus, and the Noctus

Atticæ of Aulius Gellius, are of the same rambling composition. Montaigne's Essays, also, and some of the introductory chapters of Henry Fielding. The fact is, that as a regularly bred cook will show his skill in the culinary art, by making a savoury dish out of soal leather; or a whole entertainment out of ordinary materials; so, it may depend upon the manner more than the matter of what is said, whether it be acceptable. Unquestionably there are but few that have the rare talent of saying things agreeably; and I am not sure that I have shown that art in any degree in this book. But what hinders aiming at it, by those who feel a benevolence of heart, and wish to please? If any man is amused by any of these images that I am endeavoring to paint, he will be under obligation to me, though he may refuse to acknowledge it. It is allowable towards the end of a book to digress; and in the manner of old age deal in narrative. Though I will acknowledge that I have seldom met with old men who were not apt to digress too much in their narrations. That old men are more talkative than those of earlier years, is characteristic.—"Garrulous old age."—But that they are apt to digress is not so generally noted; though it would seem to me to be the case, and were it put upon me to account for it, looking into nature at my own age, I would resolve it into the multiplicity of ideas as one cause. They are numerous, and press for utterance; and when a certain set have had an outlet in part, the speaker suspends a while the prosecuting them, and goes back to fetch others. It would be like Charon in his boat upon the river Styx, were there an island in it, ferrying a number of the shades half way; leaving them on the island, and going back to bring others that distance, who are crowding on the shore, and anxious to cross. Or like a mechanic, that has a great number of customers, and cannot satisfy, but by beginning the work of several, and carrying it on by pieces; having it in his power to say to all that their work is on hands.

But I return to say something on the subject of ceremony, the point from whence we digressed. For the forms of taking place, or seats, or at least the coming into the government house, partakes something of the nature of ceremony in polite assemblies, on other occasions. All attention to which, and the trouble of it, is avoided by the transmitting what is to be said, in the

shape of what is called a message, which may be carried by the secretary and laid on the table.

Having adopted the mode of address by message, it was prepared, and transmitted to the legislature now convened. We have been furnished with an extract of some part of it, which we shall now introduce.

IT will not be understood, that I am to give the whole message at full length; which would be unnecessary, as I think it is full time, that in the addresses, or messages of governors, in most instances, the common place parts might be omitted; such as what respects improvements of roads, encouragement of domestic manufactures, and the making a new militia law, felicitating on abundant harvests; or complimenting the administration of the general government, which comes also under this head. There are many like common place subjects, which it were tedious to enumerate, but which may, in this instance, be considered as disposed of. We hasten to the main matter which the governor touched upon, the particular situation and affairs of the new government. I cannot do better than just to make an extract in his own words. It is the concluding part, and the plainest in point of expression. For there is a certain stateliness and dignity in the style of such compositions, that is excusable in the initiatory, or perambulatory part, that need not be observed so punctiliously in what relates to real business. Tropes need not rise rapidly, nor need these be taken so much from lofty objects in nature; such as billows of the ocean, or tempests on the land. All may be simple, like that of information, or opinion given in common cases.

The extract which we give relates to a matter which may be supposed to have occupied the mind of his excellency, the innovations projected, and which had got some footing in the minds of the people, respecting a change in the extent of suffrage at elections, and the right of being elected consequent upon it. For if any, but those under the denomination of rational persons, could elect, other than rational persons might be elected. For, *similia a similibus gignuntur*. But that he might not give offence, by attacking a prejudice abruptly, he approached the subject circuitously, by talking of the promotion of knowledge, and the establishment of schools. But I continue to talk

of the message, rather than to give it. Here it is, that part of it that we have spoken of.

"I would not be understood as meaning to insinuate, even in the most distant manner, a deficiency of natural understanding, or any extraordinary want of information in the members of your honourable body. I am the more careful to suggest this, because of the known prejudices which the inhabitants of the sea-coasts entertain, in favour of themselves. Because, from the greater opportunities they have of ships arriving, they may have information of the affairs of Europe, sooner than we have, they may be disposed to attribute this, to a greater faciliity of apprehension; and because, they have schools and colleges of an older foundation, and more accessable from the propinquity of situation. Hence they are led to think that their possessing more scientific knowledge is owing to themselves, and not to this advantage. The truth is that in point of talent, so far as this includes the capacity of acquiring learning, or judging solidly, I take it the ultramontane people are before those of the cities or of the towns, and settlements on the sea coast: not that in this case I resolve it into a superior strength of the brain, so much as into the circumstance of better air on the mountains than in the cities; unless indeed I except those just on the sea-board, and where they have the benefit of the salt breeze. It may not be that they possess stronger, but only clearer brain. For if the marshes, and the low grounds, overflowed in some part, with the rivers, infect the atmosphere with damps, and vapours, that affect the body, how can the brain which is a part of the body, escape, being muddied with what naturalists call the effluviæ, and physicians, the miasmata, which are the cause of this? Are the draught cattle of these places, of the activity of those of the hills? Our horses are a smaller breed, but they are more alert on a journey. Our wild beasts in general, are more agile in their movements, and seem to have more resources of cunning, and foresight than the tame; but even domesticated quadrupeds with us seem to be like the human species, in the same regions; that is, of a superior cast to the denizens of the low country. No wonder, for the barometer will show the difference that exists in the gravity of the

atmosphere. And running and jumping itself, is more favourable to clearness of head, than standing behind a counter and casting up figures. If I were to take one of those so employed in order to enlighten him, the first thing I would do, would be to apprehend him by the locks, and to set him on the top of a hill to look about him for a while. I would shake him well before I would set him down to his lesson. A man's ideas in a shop, are in proportion to the size of the room; he thinks narrowly if not meanly, who has not more than a few yards of prospect for the greater part of the twenty-four hours in the day.—We acquire the magnitude of surrounding objects, and our conceptions enlarge by the space that presents itself.

Why is it that all great generals, look for the rising and upper ground in engagements? It is because it improves courage. The mere circumstance of striking to more advantage, from the higher part of the inclining plain, is not all. There is a great deal in the bare imagination. The paradox of the schools, *crede quod habes, et habes*, is not true; but thinking that you can conquer, goes a great way to give the victory. And the soldier that has his head higher than his adversary, is led naturally by a kind of incalculable impulse, to think that he can subdue him. I do not wonder, therefore, if upon these reflections, and ascribing too much to such secret operations of the mind; derived from the elevation of a range of hills, some who have come amongst us, may have been encouraged to think that even our beasts might be capable of an extraordinary cultivation. At the same time, whatever may be my prepossessions in favour of a reform, I have not been able to entertain sentiments equally sanguine with them on this particular. I consider it rather the offspring of a disturbed mind of some sea-coast politician, that has broached this doctrine, or would induce a community to adopt the hypothesis; and this, not so much out of respect to the powers of mind with us, as complimentary to their own vanity, who have been able to excogitate the imagination. If it is not rather meditated as an insult, being as much as to say, the difference is so small between you and your cattle, that there can be no conclusive reason, or cogent argument, why you might not be put upon the same footing. For as the

parallex of remote stars seems small, and we consider them to the naked eye as together; so it is in the light of an imputation of inferiority in the human species here, that I have taken up the suggestion. For why did they not begin with their own beasts in the lower country, to ameliorate their condition and extend their rights? They have been visionary enough, in all conscience, with their *abolition of the common law*, and other innovations; but they have not come so far as to talk of naturalizing cattle, strictly speaking; though some of their naturalizations have been of very uncouth persons. It is not sufficient that the heat and moisture of the climate may produce yellow fever in their towns, but that political pestilences spread from thence. However able you may be as a body, yet if a few bullocks, hide and tallow, were actually mixed among you, by means of the intrigues of these people, you might become the subject of ridicule, instead of admiration;—no—if pards and bears are to be admitted to appear, or officiate in any department of representative capacity, it ought to be at the bar, where noise may be better tolerated, and growling may pass for ability. The late disorderly elections in the districts, was owing to this proposition of giving beasts votes; whereas, in the opinion of most persons, if any were sober, on that day, there were beasts enough on the ground, if I may be allowed to call them so, in a comparative way of speaking, who, on these occasions, can reconcile it to themselves, to cheat and to wrangle in support of the frauds they have committed. It is in this sense of the word that the Apostle Paul speaks, when he says he "fought with beasts at Ephesus:" not as some take it, that he was exposed to wild beasts in the amphitheatre, according to the barbarous custom of the Romans. If all the election laws that can be framed are ineffectual to restrain breaches of the peace even now, while men only are allowed the privilege of voting, how would it be, if the elective franchise was enlarged to creatures that have claws, or horns, or hoofs? The biting and the gouging would be increased; and there would be so many tame animals, at least, beaten and bruised, that they would be unfit for the services of agriculture, which will leave the husbandmen without the means of tilling their ground, or getting in

their crops. On all these considerations, the scheme, or project, as it may be better called, appears to me fraught with inconveniences; and to be a reform at this time, not practicable.

"The abuses of the late election, whether any in the way of improper votes admitted, it would not become me to insinuate, nor do I insinuate as to what may have taken place, but what has been advocated as a possible reform. You are yourselves judges of the legality of your own elections; andseeing neither tails among you, nor manes on any of your shoulders, I take it for granted you are all men, and have been elected by such. For though an hundred or two horse votes may have been counted; or a kid or a merino ram, here or there, may have got his nose in the dish, it does not follow that it has made the difference of a representative in any one case. The purity of the elective franchise, is the first gem of liberty; it is the bud at which it breaks forth. If the frost of fraud blights, no fruit springs from the tree. The prevention of fraud is the object of the laws; but the distinguishing the objects of trust is equally important. That must remain with the citizens at large."

The message of his excellency couched in these wary words, was, nevertheless, unfavourably received by the members present, and those of the country attending. The contortions in the visages of them expressed disapprobation. The words aristocracy were muttered. The physiognomy of some had the appearance of one whom an inexpert barber was shaving with a bad razor; there was screwing, and twisting of the features, and a wry countenance at the greater part of the words read.

CHAPTER XII.

FROM the right of suffrage to the right of delegation, the transition was easy; and hence the idea of admitting beasts to a vote in elections, naturally led to that of beasts being voted for, and elected to a representative body. Why not, said an advocate for this policy? Because, said an adversary, they

cannot *speak*; brutum pecus that have no utterance, not even to say aye or no.

That is the very reason, said the other, that it behooves to choose such delegates. What do we not suffer from the verbiage, and loquacity of members? A measure of peace or war cannot be carried, but over *the belly* of a thousand harangues, protracted to an immeasurable length, by orators that know as little of the subject as a whipperwill or a jay-bird; and yet chatter continually so as to prevent the question being taken. Commend me to a brute beast, a buffaloe, or sheep that would chew the cud, and hold its tongue. If there were at least a mixture of those, there would be fewer speakers, and take up less time. Unless you gag a member he will speak, though no one would wish him to open his mouth, unless to take a quid of tobacco. If an elk or a horse were to speak, he would make the speech short, if we were to infer from that pithy speech made by Baalam's ass; coming to the point at once, and saying all in a few words, that most of your human orators now-a-days in deliberative bodies, would choose to say in a speech of many hours. These would seem to make conscience of giving quantity for quality, and this is the only apology that can be made for interminable rhapsodies. Nor is it enough that they waste time in speaking, but they must write out what they have said and trouble the public with their conceptions in the papers, crude as they would seem to be, and tiresome to read. If any one should undertake to travel through them; it can only be such as have much leisure on their hands, and at a loss to know what to do with their time. But the mischief is not to be altogether avoided by the not reading them, because the journals are taken up with such effusions, in the place of *which* something better might be selected for the public. There is a double advantage in a brute animal, to whom nature had denied the power of speech, in being a member of congress, because in this case there is usually denied to such, the talent of writing speeches. If a member, conscious to himself of not excelling in extempore eloquence, should hold his tongue, like a dumb creature, yet it is ten to one but he will write speeches that he has saved from his prolixity, yet the press is made to groan un-

der the oppression of his verbosity. Give me a young colt that will say little, rather than a jackanapes of the human species that will be eternally on the floor. I am for sending a few asses, not figuratively, but literally to our council, who will bray, but will do no more than bray a reasonable length of time, and suffer the more intelligent of the members to arrange and carry through the business. No ass brays more than a few minutes at a time, unless you pinch it, or occasion it uneasiness in some way. Whether is it more against nature, to send nominally something else, but in fact an ass?

If a beast of the forest should go to the house, he will not be continually turning his head round to listen, and to hear what other beasts say of his speeches, or his vote. He will be more independent of his constituents that are running at large upon the hills or upon the pasture, nor will the idea come into his head, that he is bound by their instructions; a thing inconsistent with the delegating representatives to *think* where they will have a better opportunity of knowing what is for the good of the commonwealth. If this doctrine is correct, it is the constituent that stays at home that is to *think*, and the representative that goes to a public body, not to think at all; at least not to make use of his thoughts, which, by the bye, is an argument for beasts going, and men staying at home. Will the desire of popularity induce your wild or tame cattle to make long speeches, or to regard what Tom, Dick or Harry may say about their votes? They may be led to prolong the session for the sake of oats and corn, which they have in their mangers; but it will not be by many words that this will be done. One cause, at least, of the mischief will be struck away. The desire of members to retain their seats, and procure a re election, will not exist so strong with the denizens of the woods, who will naturally not have the same attachment to a house as human creatures that are accustomed to be within doors. On all these grounds, there will be more independence in our councils, and less subservience to popular opinion. Individuals will not be continually looking out to see which way the wind blows, nor will they covet place and preferment so much, looking out to be embassadors; or to have other appointments abroad or at home. I

am for keeping at home, at least, a portion of the *servile pecus*, and sending real cattle to the public bodies. One advantage farther; there would be no Canabalism in the blockheads of the human shape that are sent with them, knocking down a member bullock at the end of a session; nor would there be an inconvenience in riding a colleague horse home.

Sir, said an adversary, your object seems to be to burlesque a representative government.

I deny it, said the advocate; it is to burlesque the abuses of elections, and of the elective franchise. If people go to employ a mechanic or manufacturer of any sort, they look out for a capable person; one skilled in the art, or occupation, and with science and experience requisite for the thing to be made, or the object to be accomplished. But to manage the affairs of a nation, nothing more is sought than simply the being of a party; or the being capable of being made so by some master of the drama at home in a village or district. It is never enquired whether he has two legs or four, provided he answers the purpose of a junto in a neighborhood. Hence——What?

"Words that breathe, and thoughts that burn."

No; stupidity or local selfishness; and words in order to hide in the rubbish, the want of ideas.

If that is the case, said the adversary, and you do not mean to advocate the giving beasts suffrages, or sending them as representatives, I have no quarrel with you. What these people will do, into whose heads it has been put, is more than I can tell. It is said to be an easy thing to raise the devil; but to lay him, requires all the art of the free-mason, with a wand, circle, and a black cat.

I do not think it would do any great harm, if it was tried, said the advocate. The truth is, I am so much dissatisfied with this mischief, in sending incompetent persons to represent us in legislative bodies, talking a long time and saying nothing, or worse than nothing, that I must either laugh or cry; and I think it is as well to laugh; to be Democritus rather than Heraclitus But if there is any remedy for this evil, it must be ridicule; and I am willing to try my hand a little at it. If a cow or a horse was chosen, people would begin to think; by pushing the thing

to an extremity, the contrast is better seen. If a dumb beast should obtain a majority of suffrages, it would be asked why he did not obtain such a seat; and it would be answered because he was dumb; and in that case could not be a long-speaking member.

But is there no remedy for these things upon principle, said the adversary? I know of none, said the advocate, unless the having fewer members, might curtail a little, there not being so many to take up time; or the putting muzzles on them like young calves; but that would keep them from eating as well as speaking. Ridicule, by sending a young bull to the house, because he would hold his tongue, except bellowing a little, will I take it, be found the ultimate remedy. A very few members, were they so disposed, would take as much time as the greater number, unless there were so very few that they could not relieve each other when out of breath. Loquacity is the fashion of the day; and I wish to bring taciturnity back again, which has been out of date almost since the school of Pythagoras. I will have at least a reasonable proportion of dumb creatures put up at our elections, and sent to the representative bodies.

This was a dialogue, aside, between the advocate for the eligibility of beasts, and the individual who opposed it; it had little effect, one way or the other, not being in the presence of the multitude.

CHAPTER XIII.

Were it imposed upon me as a task, by some republic, to educate a number of young persons to be orators, in order to introduce a good taste for public speaking, I would begin with the understanding. What? not with the heart; it will be said. I take that to be the same thing. For I know no difference between good sense, and virtue, except that the one is the judgment of what is virtuous, and the other the practice. I take a knave and a fool to have only this difference, that a fool is a

knave in his transactions without meaning to be so ; the other intends it. Or, if this way of putting the argument will not be understood, I say that every man who knowing the right, intends the wrong, is not wise ; that is, a fool. Above all things give me a good judgment as the foundation of morals : and the communicating knowledge is strengthening the judgment.

I admit that there is such a thing as being of a bad stock ; and the moral qualities are as communicable as the physical constitution, or the features. Hence it is that I would look to the stock in the selection of subjects ; but still more to the physiognomy of the youth himself. For I think it possible that Curran, who cannot but have a good heart, yet may be of a germ from one of the worst stock that ever trod the bogs. I should have a great curiosity to trace his ancestry. I say, I cannot think but that he must have a good heart ; because it is impossible for a cold heart to be warm ; and a heart to be warm that has not a love of virtue. His eloquence is to me prima facie proof at least, that he is benevolent.

But pursuing my observations on the main point, I say, to form an orator I would cultivate the understanding. What is eloquence, but good sense expressed ? The vox, et preaterea nihil ; voice without sense, is provoking. I grant that sound may do a great deal ; but it is but as the rushing wind. The effect of a persuasive speech is like the moving force of waters. The tide rises without noise ; but the effect is irresistable.

By the precepts of one whose experience has enabled him to judge of these things, a bad habit may be prevented or corrected. But it is the application only that can confirm the precepts. Hence it is that there is no forming an orator, but when the attaining some object by the speaker elicits his powers. A man that has his life at stake, and what is next to this, has his daily bread to get by his mouth, will not miss the thought, the word, the pathos to accomplish his purpose. Hence it is that the bar is the only school in our government for real eloquence. In the deliberate assemblies, the speaker is thinking of his constituents, and is a slave sent forward to serve a party founded at home. I would sooner drag a cart than be a representative on such conditions. Hence it is that a man of talents has no

prospect in a public body, but to make himself unpopular; unless on some occasion when the people are alarmed for themselves, and party intrigue is put down by the danger of the occasion. It is thus in a storm, or other perils in life, abilities are in request. At other times they are the objects of envy, and combination to bring down.

Application to any science, and the acquisition of knowledge in general, is a drudgery in the first stages; and hence it is natural for the youth to excuse himself; and to hope that by the more easy exertion of his lungs, and the blowing of his mouth, he can supply the defect of thought. It is vexatious to the person who has laboured to acquire knowledge, and has been led to depend upon the effect of solid reasoning, to find that blustering will go so far as it does; but it ought to be his consolation, and he will literally find it the fact, that of solid talents, it may be said, as it is said of truth, great is the force thereof, and it will prevail.

Magna est veritas, et prevalebit.

For solidity in mental talent is truth; and the appearance of intellect where it is not, is the false.

One of the best things that I ever heard by a lawyer to excuse himself to his client for having misled him in defending, or bringing a suit, I forget which, where he ought not; was on the honest man saying, did you not tell me *I had the law on my side?* And did I not tell the court so too? said the lawyer.—Did you? said the client. Yes. The man could say no more. It would have been unreasonable; especially as the advocate had made as much noise as any one could reasonably expect in asserting his conceptions. But had he been informed properly in his profession, his embarrassment might not have occurred, nor his presence of mind rendered it necessary; which, as it is what one cannot always command, it may be well to be without the necessity of it. Not that I mean to say, that any powers of intellect can anticipate what may be the way of thinking of a court and jury. There is such a thing as a bystander thinking differently from both. But that in general the public judgment, both as to merits of the cause, and the ability of those

who manage or dispose, goes according to the truth. This is a consolation to the industrious; and the diligent student who places his dependance on solid, not on showy qualifications.

At the same time, the garnishing is not to be neglected. The voice is capable of formation in point of sweetness, as well as force. In point of sweetness, by diligent attention, and lending the ear to those who speak musically; in point of force, by exercise alone. It is as necessary to observe the key at which to begin to speak, as for a musician in singing; so that he may retain the command of his voice under every passion to be expressed. It is to be observed that reading well is a different talent from speaking; and does not altogether depend upon equal cultivation. I leave this to be accounted for; I only repeat the fact.

Action is the last; the ancients thought not the least advantage of a speaker. That can be true only of the oratory proper for a popular assembly. That must be extremely guarded and chastised, that is used at the bar. For the least suspicion in the minds of a jury, that the passions are attempted, will excite distrust of even a good argument, and injure it. At the same time, while human nature is susceptible of the impressions of grace and dignity, the manner of an orator must have a great effect. Hence it is that I recommend even attention to dress; not so much in the cloth, as in the fullness, and flowing of the vestment, which appears to make the orator loom more.

I have an impression of having treated upon these particulars in the preceding pages, and that I may seem to repeat. But if any one finds fault, I charge him home with an expression of the scripture, "line upon line, precept upon precept, here a little, and there a little." It may be said that some of my lines, and precepts, and littles, may be pretty good; but that there is a great deal of trash. That this may be the case, I have acknowledged heretofore. But would the more valuable be read without the less? I applied to a hatter the other day to make me a hat; and requested him to make me one entirely of beaver, and not to mix racoon. The truth is, I thought he would charge me as much for the one as for the other, and therefore

I might as well have the best. But he informed me that a little racoon mixed with the beaver would make a better hat than one all beaver. It may be so with my book, which is calculated for all capacities; and a mixture of images drawn from htgh and low life, with painting serious and ludicrous, may conduce to the being more read; and lasting longer in the world. Or should it not be read, and that object fail, it is amusing to one's self to indulge variety; to discumb and to rise.

CHAPTER XIV.

THE altercations which took place, were almost general with all ranks of the community, for the perfectibility of man and beast. And some taking the side of the men, and others of the beasts, dwelt pretty much at large in their harangues, upon the want of talent, in the bulk of the community, to execute offices, or discharge trusts; so with others, whose argument was the indiscriminate capacity of all persons, it was contended that there was no man so destitute of natural powers as not to be fit for an office. Nay, what is more, that even less than what men in general possess, might suffice. As it is the nature of all contraries to run to opposite extremes, so it was even at length carried so far that some undertook to support an opinion that even that degree of mother wit which some beasts possess, might suffice. In the heat of debate, in the warmth of argument, it was insisted on that the experiment ought to be made. Why did not the Governor appoint some quadruped to office, and see the result? Was there ever any thing ascertained in matters of government, but from experience? Experience was the test of government. We did hear of horses and sheep being in office. This was meant as abuse; and might be the cause why a prejudice had been entertained in making these actually, and bona fide officers of government, or members of the legislature.

It contributed much to give currency to this way of thinking, that about this time there came a visionary man from the seat of the general government, who was called the visionary philo-

sopher; and well indeed he might be so called; for he had adopted the opinion of the practicability of the civilizing beasts and making them members of the community. It was with a view to reduce this system to practice, that he had made an excursion to the new country, conceiving that prejudice in favour of the old system, would be less likely to be in a new country He had been several months broaching the matter amongst the common people, which is always the way with innovators, before he thought proper to wait upon the Governor, and to broach it. This he had at length done. The Governor, as we have seen, was a man of that mildness of character that he did not decline a conversation on the subject, though he thought it extremely absurd. But affecting to listen to his reasonings, he answered him at length with some abruptness, but in a tone of voice softened as much as the nature of the reply would admit.

It is a wild project, said he, but I see it must be tried. The people will have their way, and restraint will but dam up the current and produce a flood that will produce an inundation, and carry all before it.

The people had been naturally led from the idea of property giving the right of suffrage, to that of the property itself exercising this right; and herds and flocks, propria persona, coming forward viva voce, or with a ticket; and this by an association of ideas, introduced that of being capable of being elected. But it did not occur to them untill suggested that the representative is chosen, or in contemplation of the constitution, supposed to be chosen for his superior knowledge and information over that of the constituent. At least it ought to be a principle upon which the selection is founded. And in the original of the English constitution, we find the representatives were called the *wittena gemote*, orthe assembly of the wise men. Nor when it was suggested, did it stick much with them. Nevertheless, they thought it not amiss to give the beasts some education; provided their nature was improvable, which, from what was heard of the learned pig, could not longer remain doubtful.

"Man differs more from man, than man from beast."

says the poet. This being the case, it might be tried how far

a four-footed creature could be taught the arts and sciences, or instructed in the principles of morality, or the rules of good breeding; not to go so far as to constitute colleges, and academies for their use; but common reading or writing, or, perhaps arithmetic as far as the rule of three.

There are philosophers who assert, with great plausibility, that the highest powers of reasoning, are but a gradation from vegetable life. If so, it must be a greater start from the tendril of a vine to a vermicular substance, than from a creeping thing to that which walks on all fours. From thence to the human species, is a leap not more extraordinary. That man may have been once an oyster, was the opinion of Darwin; but that he might have been at least a ground squirrel, was the opinion of the visionary philosopher. He was sanguine in the undertaking to instruct and civilize the brutes. Nay to fit them for offices, and the discharge of trusts in the community. He had caught a young panther, and, with a chain about its neck, had put it to study law with a young man of that profession, who wishing to get forward in business, thought it would do him no harm, though it might not do the panther much good.

There were those who bore testimony against this, being of opinion that lawyers were bad enough, even when made of the best materials. They were supported in this opinion by some reflecting persons who could not conceive that this animal could ever be made capable of explaining a matter to a jury; or stating a point of law to the court. What is it, said the philosopher, whether he may ever be able to explain himself intelligibly at the bar. Cannot he grin, bite, squeal, and shake his tail? Is it with sense, that a jury, or a court, are always moved most? I wish to prove that reason goes but a little way to make learned counsel. The main matter is to satisfy the client; who will be oftentimes better pleased to lose his cause in the hands of one that will make a noise, than to gain it by him who says little. At least he will have less scruple in paying him. For he will not say, you had not much trouble; you said but a word or two; not considering that a rifle shot, is more certain and deadly than any quantum of sound.

An ecclesiastic was at hand, who had an antipathy to vociferators, being himself a man of a weak voice; and took this opportunity to express himself against declaimers. It is true, said he, the sounds of rams' horns blew down the walls of Jericho; but that was a most extraordinary blast——

And not to be drawn into precedent, said a lawyer who was by——

It was an extraordinary blast, continued the ecclesiastic.

But the human voice is stronger than any wind, said the visionary philosopher. No wind blowing will shock an army like that of the shout of a main body about to engage, though since the invention of gunpowder, except among the savages, shouting is not in practice.

CHAPTER XV.

NOTWITHSTANDING the governor's opinion seemed to be against him, yet the visionary philosopher still persisted in his idea that the brutal nature was capable of cultivation, if not in moral qualities, yet so far as respected the acumen ingenii or the powers of the understanding. He had before this time turned his attention to the instituting an academy, where he had a number of animals, of different species, and amongst them some squirrels which he had put to study algebra.

Harum Scarum thought he had better have begun with music, and taught them to play the fiddle.

No jibe or jeer could move the visionary man from his purpose. He argued that it had been the case with all experiments, that the bulk of mankind were incredulous to the first essays. And hence it was that in medicine, quacks had led the way in all improvements. In the profession of the law, precedent had enslaved. In mathematics, Erra Pater, that wrote the book of knowledge, was thought a visionary man, though, since his time, greater credit has been attached to the casting nativities. The diving bell was an invention of Sir William Phipps of New England, and no one had faith in the success of

it until he actually explored the galleon at the Bahama Islands, and showed the treasure he had got from it. Paracelsus died with the secret in his mouth, of the elixir of longevity, owing to which accident, it is perhaps that men do not live now to the age of a thousand years. Parrots, jays and blackbirds have been taught to speak; and why not squirrels and racoons?

With these reasonings in his head, he was busy instructing certain quadrupeds in their gesticulations and grimaces, that had the appearance occasionally of disputants. The chattering which some of them exhibited, sounded not a great deal unlike,

Bocardo, cesario, ferio, baralipton,

Terms which logicians use.

A number of horned cattle in an inclosure, he was engaged in disposing to take the floor in turns like members of a legislative body. He had employed a stenographer to take down their speeches in short-hand. With these he could use the same liberty that he had been used to take, with members of the human species, which was to make the speeches; or at least to new model them in such a way, as to be a caricature, or an improvement.

Stenographer, said the Governor, for he had the curiosity to visit this menagerie, when you make a speech for a bear, as for instance for that Bruin which I see chained, you will be careful to make it rough, surly and congruent to nature. The lowing of the cow, and the roaring of the bull, must be translated into loud sounds, very different from the mewing of the cat, or the squealing of the pig.

By all means, said he, every thing in character.

Now, said the Governor, with respect to a legislature of beasts, it will not be thought a matter of ridicule, to paraphrase what is said as spoken by a buffaloe; or to insinuate the insignificance of a member by calling him a ewe or an ass; or to designate his heaviness in a debate by saying he is a horse; for in this case all things will be without figure and the truth.

However, the people thought the man deranged; and, it would seem to me not without reason; especially when he had incurred considerable expense, in purchasing up subjects

of tuition. He had trappers in the woods : and horse jockies employed to pick up lively colts that might seem to be of parts, and scarcely a drover passed through the settlement, with black cattle or swine, but he was bartering for a calf, or a sheep.

Application had been made to a magistrate for an order to confine him. On a habeas corpus, he was brought before the chief justice, and made his defence.

Chief justice, said he, though you are blind, in a certain meaning of the term, yet I flatter myself you can see pretty plainly into this matter. It does not follow that because a man is deficient in one sense, he is destitute of another. On the contrary it is well known by observers of human nature, that where one sense is denied, the remaining become stronger. Even where an arm or a limb is lost, of the human body, the arm or the limb which remains acquires an increase of power, as if to supply the want. Would Tiresias have ever passed for a prophet, if he had not wanted outward sight ? Or would Meonidas have written rhapsodies, or Milton his divine poem ?

> "So much the rather thou celestial light
> Shine inward, and the mind through all her powers
> Irradiate ! There plant eyes ! All mist from thence,
> Purge and disperse !"

Not that I suppose that a man has equal advantage in describing an object who has never seen it, but takes his impressions from the description of others. For it must be rare, if a thing at all in nature, that a man can be a poet who is born blind : but having lived to a considerable age with his eye-sight, and received all the images of things upon his mind, from the originals themselves, it may be possible for him ; nay it may be with advantage over others, that he can recollect these, and become more familiar with them in a reflex view, than if he was disturbed with the images themselves renewed from without. Certain it is that a man can think more deeply and closely with his eyes shut, than if he opened them on surrounding objects. Darkness and silence are favourable to contemplation——

Philosopher, said the chief justice, you do not seem to be a plain man in regard to thinking closely. You wander from the point. You are to be informed that you have been taken into the keeping of the law, not as a bad man, but as one standing in need of a protector, conceiving you under the calamity of being a little deranged

in your nervous system, from a fever possibly, or some cause which constitutes a malady, not a crime. The enquiry is whether you are in your right mind; a suspicion to the contrary of which is excited by your congregating cattle and wild beasts, in order, as you say, to civilize them, and make them members of society.

Experiments of this kind have, with great difficulty, succeeded with the savages. And indeed, where they have succeeded, it has been chiefly to the southward, where the system is more relaxed, and the temper mild. It appears madness in the abstract, to talk of humanizing brutes, that are behind savages, and at a great interval.

That I deny, said the philosopher.

Haud magno, intervallo, said the Latin schoolmaster.

I say that many of the human species are not before the brutal.

"Man differs more from man than man from beast."

These things are figuratively spoken, said the chief justice. In poetry or prose, the meaning is no more than that a portion of our species have so far degraded themselves by obedience to the sensual appetite, that like beasts they lose the face erect to heaven, and constantly looking down upon their tables, without mental enjoyment; or, that from a neglect of the cultivation of moral reason, they may seem to want but the horn or the hoof, to be like the cattle that graze the commons. This is no more than the sentiment of Plato, which, with the expression in which it is clothed, is given by Longinus, as an example of the sublime.

I am not just so far lost to reason, said the philosopher, as to take figures for realities. I know that a figure is but a short simile, or fable, hit off in few words; and the orators or satyrists, among the poets or philosophers in their moral essays, by their burstings and castings, mean no more than to dissect insignificance or degradation or sensual indulgence. It is not their intention to communicate the idea that men actually become quadrupeds, though I have seen some not far from it. But still this does not affect the question, how far the nature of beasts may be improvable. But admitting the absurdity of the attempt, and that it carries with it a presumption of derangement of the brain, is the insanity prejudicial to the community? It can be but time thrown away, which, supposing me a man beside myself, cannot be of great value. I purchase all my stock that I employ my pains upon, with the exception of a few that have been bestowed to me. I had a present made me of an elk from the mountains. This I am forming for an ambassador, for which if he

does not turn out fit, he can be disposed of to a museum. Why should it be thought impossible to instruct the four-footed creatuses, and render them capable of suffrage, if not of office? I have a great deal of trouble with them in my school, it is true, for they are apt to play truant. A young fox broke off the other day, and I have not been able to recover him.

The discipline which I find it necessary to enforce is not the mildest. I use a pretty rude ferule; and I have occasion to exert authority, to quicken parts and application.

If I succeed, in bringing these sans culottes to be good citizens, I shall have deserved well of the republic; and if I should fail, no one's labour is lost but my own. Experiments in every other way are indulged; and even patents granted, where the invention has but the appearance of succeeding. Why may I not be allowed to turn my attention to the making a justice of the peace out of an elk, or a judge out of a buffaloe, if the thing is possible? Especially, as instead of making a demand for my production, if I should be so fortunate as to be able to furnish these out of my manufactory, it will cost the state nothing for the education, and as to the officers themselves, the forage will be less expensive; in some cases a few tufts, in others a little grain will suffice. If a horse-judge is invited to dine, a peck of oats, of grass or corn, and a bundle of hay in the stable, and truss of straw to litter him at night, will be all that will be wanted. This will be a great saving to poor rogues that may wish to have it said that a judge dined with them; not that they care for the judge, but that people may think they have the law on their side. I say that hospitality in this way, will be less expensive, and economy, if not a moral, is at least a political virtue.

But independent of these contingent advantages, and barely possible, if you please, advantages, the money circulated in the settlement by this instruction, or a college of any kind which cannot but bring money, must increase the value of property.

This last argument was popular, and struck the crowd de circumstantibus. Several counsel present, as friends of the court, put in a word, catching at popularity, and gave their opinions that they knew of no statute in the case; and that, by the common law, every man had a right to traffic in such purchases; and that no enquiry could reasonably be made, when a man bought a pig, whether he meant to make a scholar of him, or a barbecue.

The chief justice inclined to be of the same opinion, and the prisoner was enlarged.

CHAPTER XVI.

IT is a melancholy consideration to consider how nearly the brutal nature borders on the human; because it leads to a reflection that the difference may be in degree, not kind. But on the most diligent consideration that I have been able to give the subject, it would seem to me, that no reasonable doubt can exist of there being a distinction in kind. The brutal creation is not improvable beyond a certain limit; and that limit is reached at an early period, without pains taken to inform. The mind of a beast grows up to its size as naturally as its body. And though the capacity of a man of a very heavy nature may seem not a great deal beyond that of a sagacious quadruped of some species; yet is capable of continual enlargement; and, at the latest years of his life, until perfect superanuation, is susceptible of new impressions. If the strength of judgment in comparing objects, cannot be improved; yet the sphere of thinking can be extended. His ideas can be infinitely increased. What carries with it the appearance of virtue, in a faithful quadruped, seems to be the feeling of its nature, and not the result of any reflex sentiment of duty and obligation.

Except certain noises, peculiar to their natures, and of which all of the species are possessed, as soon as they receive existence, and which is an untaught language, we have no evidence of ideas in their minds annexed to sounds. Much less is there a capacity of a variation of articulation to any extent, worth mentioning. A traveller of good sense, who has seen the Cafrarian; or whatever other species, under the denomination of the creature man, at the lowest grade, would not despair if it was imposed on him as a condition to reserve himself from slavery or death, that he must take a young person from amongst that people, and teach it any language, or science, or abstract principle of knowledge; but if it was made the condition that he should take the seemingly most intelligent of the quadrupeds of the countries he has visited, and teach any thing like what is called a rational acquisition, he would say the attempt is not worth making; it is impossible. The seven wise masters or mistresses of Greece—alluding to a popular book under

that title—the philosophers of antiquity, or of modern times employed for an indefinite space, would never teach him more in reality than he possessed in the woods from whence he came. He might be taught to connect certain movements of the body with those shown him ; and by imitation led to make them, under fear of a whip, but that is all. It is humiliating to think that brutes of whose post-existence we have no hope, have even so near an approach to our natures. But it is consolatory that there seems to be something like demonstration that they are so far behind : that it is not in degree of intellect, but in kind, that they differ ; and that difference is so immense, that it is not unreasonable to entertain the idea of a totally different destination. This is reasoning from the laws of nature as to the destination of the human mind, and upon which the philosopher must dwell with pleasure, as aiding what those who believe in revelation adduce as the grounds of their faith. For there can be no philosopher, who, whatever doubts he may have of religion, can be without a wish that it may be true. What is it more than being certain of what, even supposing it not to be revealed, yet the imagination of a man would contrive for himself as painting his glory, and his happiness? What is that which we call revelation, but a system of ideas representing a prospect ennobling to our natures, and which, if not revealed, must at least be the conception of great and good minds intent on what would constitute the grandeur and felicity of the creature man?

We have no means of getting at the exercise of the mind of a beast ; so that we cannot say what may be the limit of their cogitations. But no one observing them has ever been able to trace anything like an idea of what they have been ; or a fear of what they may be. No uneasiness of mind seems to hang upon them from this source. Yet this anxiety is given so strong to our nature that it is the constant subject of our thonghts : our reasonings concerning it are infinite ; our aerial castles which we build, even where they are the mere effect of imagination, are without end. We people all nature with beings for ourselves, even where we are not. What might have been Theogonies anterior to the time of Moses, in Egypt, and other parts of Africa, we cannot ascertain ; but from

the history of the Jews, we have considerable information relative to that of Syria; at least of Palestine, the part of Syria, more immediately adjoining.

The heathen mythology, particularly so denominated, presents an immense scope; and which, with the poets, is yet preserved. It is a part of a learned, or even of a polite education, to be made acquainted with this system in order to understand the allusion of the fine writers, ancient and modern! What an immense exercise, and employment of the human mind must it not have been to build up such a system. However false we may suppose this peopleing with celestial powers, or earthly divinities, it cannot but be consolatory to reflect that it makes a boundary at all times distinct, between the human mind, however in darkness, and that of what we consider the mere animal creation.

We have but partial and obscure information of the systems of other nations, contemporary with the Greeks and Romans. But we see in what we have of these, the like evidence of activity, pressing beyond the bounds of what we see before our eyes, and fashioning to our minds images of existence. The nature of these, is usually a proof of the duration and refinement of a people.

Where the imagination was limited by the doctrines of revelation under the Mosaic, or Christian dispensation; as to the unity of the deity, and ministers of good or evil to man, how unlimited have been the excursions of the fancy, and the subtletics of the intelect, in the subdivisions of credence! The Talmud and the Targum of the Jews present us an immense field. The polemic divinity of the christian schools, is more within our knowledge; taught in some section of the church, to the catechumeni, or propounded, in the pulpits. These disquisitions show the wonderfully metaphysical nature of the human mind.

On the contrary, there seems to be no trace of hope or fear, with regard to futurity, in the mind of a brute. I have observed with great attention, and I could never discover any symptom, in the smallest degree, of that horror which is felt by man at the view of a dead body. This horror arises from the ideas associated with the view, that it is the remains of a man. The revulsion of mind which is felt at being in the dark, especially with a dead body, seems not in the most distant degree, participated with any of the hairy or feathered tribes, neither in respect of dead creatures of their own species, nor of the human. No shyness of a church yard, has ever been

remarked. Tales of apparitions, are told in hearing of domesticated animals, without the least symtom of that fear of being left alone which afflict families where there are nurses, whose memories are stored with relations of this nature. Memoirs of the Fairy kingdom, have no effect upon a dog, or a cat.

But where is the heaviest of the creature called human, that is not affected? Nay, perhaps, liable to be affected the most. There would, therefore, even from this small ground of argument, be reason to infer that whatever may be said, in figures of speech, or however really man may degrade himself; yet, in the scale of being, the lowest is by an infinite distance in his nature, above a beast.

That gregarious animals are susceptible of a kind of civil government, is certain. But their regulations seem to be a law of their nature; at all times the same; without changes in any country, or at any period. I do not remark this, as refuting the reveries of the visionary philosopher, but as going in deduction to the establishment of the above position. As to the philosopher, I have dwelt long enough upon his reverie, which I thought might amuse young persons, and I omit what further occurred, the contrivance of Harum Scarum, and Will Watlin, to confirm him in his hypothesis. This was to dress themselves in hair and bear skins, and to pass with him by running upon all fours, for educated cubs that had been taught languages. These were frollics of which the governor did not approve; for it is not becoming, to be amused at the expense of persons deprived either of the gifts of reason, or of the goods of fortune.—It might not perhaps be blamable to be diverted at the mistake of some weak people, who were imposed upon, and became alarmed at the idea of their being candidates for the legislature, at the next election, and sent forward to take a seat. This was what the wags threatened in their disguise; and when the caprice of suffrage was considered, who could tell but that the apparent quadrupeds might make good what they spoke.

CHAPTER XVII.

IT had struck ingenious persons that the popular opinion of beasts speaking, and being taught to speak, might be turned to some account. Hence it was that two young men, with a cart

from New-England, coming through the settlement, and vending tin wares, or exchanging them for other articles, in order to sell again at a profit, projected the idea of inveigling some rustic simpleton, and dressing him in the skin of a wild beast, put him in the vehicle, and pass him for a speaking panther, or cat of the mountain; or what else they might think most likely to take with the multitude. Accordingly being in quest of some straggling individual, they got sight of the bog-trotter, and dogging him to a hay-loft, into which he had crept to take a nap, they cast a noose about his neck, and dragging him to their receptacle, put him in their cage. A panther's skin which seemed to accord with the colour of his hair, was thought a suitable disguise with which to invest him; and this they had at hand, having in the course of their exchange, procured it among other peltry which they had in a bale on the top of their carriage. They found he could speak, but in a dialect which they did not well comprehend; nor perhaps could other people, and therefore the more suitable, as they thought, for their purpose, having the appearance of articulation, but of a beast not yet brought to express himself with a correct idiom of any language. For these itinerant traders being from the eastward, and what are called Yankees, did not understand the vernacular of the west of Ireland, of which country Teague was.

Having cased him in the panther's hide, they exhibited him as one of this species, and giving him a touch of the whip now and then, and causing him to exclaim, in the language of complaint, they proved to a demonstration, *that a beast might be taught to speak.*

The bogtrotter, in the mean time, had been missed, and something in the nature of a hue and cry had been raised on his account. Being found in the possession of the vagrants, they were questioned on the nature of their property by the officers who had detected him; though this was not until they had him in their custody several days, and had made money by the imposition. The detection of the fraud was unavoidable, being exhibited to so many, some of whom had been acquainted with the particular idiom of his brogue; so that suspicion first arising of the kidnapping, it came to certainty by the investigation.

The robbers, as they might be called, were apprehended by a warrant from the chief justice, and brought before him. The attorney general, Harum Scarum, was very warm on the occasion, and disposed to prosecute them, though not well skilled in the law, he could not tell for what; or in what shape to send up the indictment; whether for larceny, or burglary, or arson. But he gave the act and deed, many hard names, which he had heard of in the law. The chief justice thought it but a trespass in legal contemplation, though of a very aggravated nature, and could not but lay a ground for an action of damages.

Young men, said he, you are from a country, of *steady habits*; but these are not the habits in which it behooves to be steady. I have heard much of the *religion* or rather the *hypocrisy* of your country. They tell me you choose a chaplain when you go to steal a pig for a thanksgiving day; or plot against the government. Not that I undertake to censure your *stealing a pig*, provided it is for a religious purpose; because it is amongst yourselves, and these are matters with which those that are without may not have a right to meddle. But your stealing a man from himself, and from the community to whom he may be useful, though in law it may not come under the denomination of stealing, under all circumstances, and where it is not to take him out of the country, yet is at least a very aggravated trespass, and in what is called a civil action, may subject to very high damages. This I say not, as anticipating the cause, if a suit should be brought, but with a view to a compromise. You are not aware of the injury to the individual, which must depend somewhat upon the dignity of the person trespassed on, and the injured in this case, is no less a person than one who has been a candidate for a seat in congress, and might have been a successful candidate, had he submitted to the canvass in his favour for that delegation, But he has been actually in the capacity of a judge, and sat upon a bench. It is not long since that the people of this country would have made him a major-general, but for his own modesty that declined it, which I could wish others had done, who had, perhaps, less brain to be shot away by a cannon ball. It is alleged that he was wrought upon by his fears in declining the commission, as it might subject

him to a greater danger, with his uniform and his epaulets in an engagement. Riflemen, or what the Europeans denominate sharp shooters, might take him off when he came to reconnoitre, or was discovered in the advance of an engagement. But whether fear or modesty led him to decline the honour, so it is that he was thought worthy of the command, if the Governor had thought proper to give him the commission, or he could have reconciled it to himself to have accepted of it. I mention these things, not as approving the making bog trotters generals, or advancing them merely because a chance circumstance has given them the eclat of fortune. For in war fortune avails much. Nor do I undervalue natural talents; for I can suppose a man drawing a plough, with his gears on, and to have his traces cut, and turned loose in a command, and far surpassing in the talents of a commander, another who has had all the science and all the experience that military schools and campaigns can give. But a presumption of abilities cannot but arise from education, and experience. There is something like certainty in the one; there is but accident in the other. But dropping this, I return to your misdemeanor; not what the law calls a misdemeanor; for that is a *crime*, and this at least borders on a crime; but, unquestionably, as respects the community, you have been guilty of a great indecorum. I admit you would not think it an offence, or at least a great offence, in your land of steady habits, where the second table of the law has been almost struck out of the decalogue, and the ceremonies of religion, and observances of these, have taken place of justice to man. It would be of less consequence, if you cheated a little in the way of your trumpery that you vend, or exchange through the country. But to purloin a valuable member of society, even if you did not mean eventually to detain him, is a transgression not easily reconcilable to a pure conscience and a good mind. But it is a maxim of the law, as well as of the gospel, "talk with thine adversary whilst thou art in the way with him." This is the foundation of our imparlances in the law, or the time given to speak with; so that, as there is a tavern, or what is called an ordinary, there, not far off, I would recommend it to you young

men to take the bog-trotter aside, and after eating and drinking together, you might perhaps come to terms.

Agreeably to the hint given, the young men took the bog-trotter away to the public house, in his panther's habit as he was, and the presumption is that a compromise did take place; for, in the language of law writs, there was no more clamour heard on that head for defect of justice.

The like finesse, but in a different way though with the same view of making money out of the phrenzy of the country, was practised; a couple of speculating men, the one in the dress of a man, the other in the costume of a beast. For it had been agreed that the one should personate a publican, or inn-keeper; the other, who was the smaller man, should pass for the bar-keeper; and to disguise the human form, he was invested with the skin of a wild-cat. The tail had remained appended to it, and as the physiognomy of a cat somewhat approaches to that of a man, the skin drawn over the features, with the same orifice for mouth and eyes, unless to a very nice examination, there was no difference. The multitude of those that came to see the hotel, would not admit of the possibility of a metamorphose, but insisted that the bar-keeper was a real cat of the mountain. The faculty of speech, which it evidently had, made it the more interesting. For, as to having speech, there was no doubt; it spoke several languages, German and Low Dutch, French and English. But whether it was a real beast or not, was the question. If it was a beast, and could speak, all admitted that the problem was solved, and it no longer remained an hypothesis, that there were beasts who spoke naturally, or that they could be brought to speak. There were amongst the incredulous, doubtless, some men of understanding and sagacity, and who reasoned from the laws of nature, and the analogy of the parts, there being no organs of speech to a brute creature; but abstract reasoning was borne down, by the testimony of the fact, the majority affirming and actually believing, that it was a cat, and nevertheless was endued with the faculty of articulate speech. The inn-keeper, who affected to be a person of veracity, averred that he had known him when he was first brought from the mountains, an active, skipping cat.

without the smallest cultivation, or capacity of articulating a syllable, save in its own mother tongue, and a kind of mew that cats have; but that in the course of three years that he had had him as a waiter in France, Holland, Germany, and England, he had acquired sufficient of the languages of those countries to converse, or at least to understand sounds, and answer calls in German, French, &c.

There was not a word of truth in all this, I mean in the bar-keeper having been a cat, any more than a turkey-buzzard; but the whole a fiction of the man who passed for landlord, acquiesced in, and sanctioned by him who passed for bar-keeper, and this to their mutual interest and by their joint contrivance And, nevertheless, it was as firmly believed for a considerable length of time as Redheiffer's perpetual motion, a thing not less against the laws of nature, than even the speech of beasts. As in the case of Redheiffer, so also here, the press was, in some instances, on the side of the credulous, and there was, at least, one editor who *menaced all the invectives of his journal against any one who should presume to express a doubt of the fact.* All that existed short of *Redheiffer's case*, was the appointment of a committee by the legislature, to ascertain and make report. Even at this day, when the bubble has burst, there are those who will excuse their belief, by saying that if the little bar-keeper was not a cat, he was at least as nimble as a cat. So that, if they cannot get him to be what they have taken him to be, they will have him something that resembles it.

When the Governor came to interrogate Teague, as to the treatment he had received in the tin cart, and the manner in which he had been apprehended, and put in it, he gave the following account.

By de holy faders, said he, I was tired trotting about de country, and just tought dat I would turn in, and slape a wink in a hay-loft, when dese spalpeens, de one wid a shilelah, and de oder wid a whip, told me I was a wild baste dat could spake. I said, de devil a bit o' me was a wild baste more dan deir honours, but an honest Irishman from de county Drogheda Wid dat one knocked me down, and de oder gave me a cut wid de whip, and marched me into dat cart yonder, and kept me dere

two days, and made me spake to de paple, as if I was de panther dat had been skinned, but not to tell dat I was de bog-trotter; treatning to shoot me dead, if I should own dat I was de Governor's sharvant. I had de devil's own time, bad luck to dem, wid deir raw mate dey trew into my cage, save once or twice a dumplin, to show de paple dat I wad ate like a Christian baste; which I had learned, at de same time dat I was taught to spake wid my tongue, as dey said. I could spake wid de tear in my eye; but de devil a word I dared to say, or to tell fat I was, more dan if I had a potato in my mouth. De big fellow, o' de two, would order me out of de cage, to show de paple dat I could stand on my hind feet, and dance like a human crature, as well as spake something. But we made all up wid a good trate, as de old gentleman, de chief justice, his honour recommended; and if dat had not been in de way, I would have broke deir heads for dem, widout more compassion dan I would a snake or a tarrapin.

The governor recommended him to be cautious of going into barns or hay-lofts, or rambling far, as this was a new country, and the times were troublesome. It could not be anticipated, what it might be put into the people's heads to do with him, or with any one else, or what projectors, or itinerant speculators, might set on foot next. It had been by great good fortune that he had been discovered, and rescued from these Yankies before they had got him off to their own country, whence they might have taken him to England, and shown him to *old John Bull*.

CHAPTER XVIII.

THE preceding painting may be considered as extravagant; and exceeding all probability; the voting of beasts. But is it a new thing in the history of government that the right of suffrage should be made to depend upon property? No man shall be entitled to a vote unless he is worth so much, say some of the constitutions. In this case is it not his property that votes? If this property consists in cattle, can it be said that his

cattle do not vote? Ergo, a cow, or a horse, in some communities have the privilege of a vote in the enacting laws. If some of them, who belong to hard hearted masters, knew of this privilege, and could exercise it to the whole extent of their wishes, they would stipulate with the candidate, for milder treatment in the drudgery in which they are employed. I have seen many a horse, that considering matters individually, and apart from the nature, I have thought more respectable than the owner; and yet this horse most unmercifully treated. The only universally distinguishing criterion of humanity, that I know is, the mild treatment of every creature that has feeling, and is in our power. This ought to be inculcated as a moral duty. But as to beasts in propria persona, voting, not just giving in a ticket for themselves, but standing by, and neighing or grunting, or grinning; It may be thought too much yet. But why should it be thought altogether out of the compass of possibility? After what I have seen and heard of mankind, I should not wonder at such a thing taking place. Of what absurdity is not the human mind capable? Who would think it possible were it not a fact established by ten thousand testimonies, that human sacrifice could ever have been thought acceptable to the divinity; It is easy to trace the origin of the idea, and the policy of the sacrifice of cattle; because it facilitated to an order of men who did not labour, the means of livelihood. And unless we suppose that the custom of human sacrifice began amongst men that were cannibals, I am at a loss to account for it. It may be considered as still more absurd, that a creature, supposed rational, as man, could be so far irrational as to think that the punishment of himself could be acceptable to divinity, unless taken in this light, the present smart might help weak minds to refrain from the like wrong they have done; connecting the flagellation with the memory of it. Hence it may be said, that it is not out of nature, to ascribe any thing however absurd to the creature man.

The line of the poet Pope applied to an individual, may be parodied, and applied to the whole species.

"The greatest, basest, meanest of all kind."

If it should be found, as I hope it will, some hundred years hence, that no innovator in a republican government, has at that time thought of extending suffrage in this manner, will he be sure that it is not owing to my ridicule that the thing has not taken place? If a chapter like this had been written in the course of the revolution from the government of Britain, representing the body of the people in some state, as reprobating the common law, and calling out for its abrogation, would it not have been thought extravagant, and intended as a burlesque upon the republican institutions of the country? And yet we have seen this actually pressed and not far from being carried. It amounts to the same thing as having no law at all. For it is experience that has made that law; dictated by the wants of man successively brought to view. And to begin again, we must be in the situation of those who had no law; and therefore the proposition was to be without law; and to have law only as a legislature, from occasion to occasion, could enact,—the case that first happened, could have no principle, that could apply to it; that must be provided for the second: and at the end of a thousand years, we might have such a body of laws, as that which is proposed to be abolished. I say we might have; but it would be a rare chance if we should, for it would require the continuance of a free government all that time to give it.—How should a man be sensible of this, that had not traced the history of that law, and examind the nature of it? It could not be expected from one who had confounded its perversions with the law itself. If when the constitutions of these states were formed, after much reflection of the ablest judges, and the people had solemnly, and deliberately adopted them, it had been stated by any writer, that in the short period, of perhaps not more than twenty years, innovators not born in the country, or born late, and having no experience of what had past, should assume the language of what they call reform, to the extent they have done in some places, would it be believed? Nay, would it not have been rejected as outraging all probability? Suppose it had been a part of the prediction that those innovators should come, the principal of them, from the country with whom we were then at war, and these not the most intelligent of them,

and that the body of our people should be wrought upon, in any degree by their representation, would it have been thought at all likely to happen? There is no knowing to what the love of novelty may bring the human mind. It is a strange compound of the rational and irrational, and it is only by turns that the rational predominates.—"Thinkest thou me a dog, that I can do these things?" said Hazael. Thinkest thou me a beast, may one say to me, that I could advocate the suffrages of beasts, or of giving them the elective franchise? Yes: human nature, I do think you capable of being brought to such absurdity, or to any thing else you please to call it. It is true, I do not see you at this moment offering up your children, or even enemies, as sacrifices to please a divinity, which out-herods Herod, in all conceptions; yet I hear doctrines published, and see them in books, which are still worse. For their divinities, with the exception of Jeptha and his daughter, were the false divinities of the heathen world; and might be supposed to delight in the miseries of mortals; though what good they could get by that, I cannot comprehend. But in the doctrines I have in view, a good deity, and even represented as good, by these blasphemers, without knowing it, is holden out as having created existences, the sum of whose misery may exceed the happiness. Nay, even the escape from the excess of misery above that of happiness, may depend upon a charm. For the idea of felicity in a future state, depending upon subtilties of creeds, is placing it upon the mere accident of situation, and the casualty of belief. Yet if one were to deny to some doctors the truth of what they teach, they would be disposed to treat the individual as not a good citizen. It is true, they would only say they did not think him a good citizen. But I would say to them, that I did not think them Christians at all, so far as regarded opinion, whatever they might be in practice. For the Christian religion is a system of humanity and truth; and the great object of it is to secure morality amongst men. It has no metaphysics in the nature of it, but is intelligible to a child, though catechisms are not.

CHAPTER XIX.

IT being some time since the preceding part of this memoir has been published, and an opportunity given of hearing the strictures and criticisms, that have been made, or passed upon it; it has not escaped the knowledge of the author, that some have thought the particulars, in some instances, extravagant, and bordering on the incredible; which is contrary to the maxim of sticking at least to the appearance of truth. But how can any one undertake to say what is extravagant, or what is incredible? Who is there, at this day, that will call in question the truth of the rise and progress of the Corsican adventurer—and yet this borders upon the marvellous? At a future day, when the lights of history have been obscured, who knows but his adventures, when written, may be laid on the same shelf with those of Amadis of Gaul, Don Bellianis of Greece; or a small book entitled the Seven Champions of Christendom? It is in the cards, to use a phrase taken from the gamblers, and not at all improbable, that his fall may be as rapid, and not less extraordinary than his ascent.*

It is perhaps somewhat owing to a defect in the narration, that an air of improbability is thrown upon a history, by not entering sufficiently into a detail of the transactions. There is a remarkable instance of this in the history of the American war by Ramsey, in which he notices the capture of three vessels, and 1500 men of the British by a stratagem. Perhaps not 1500, for I have not the book before me; but certainly some hundreds. All this by four of a Georgia regiment and an old negro, a waiter. It was in all the Gazettes of the time; but the details were not given. It is also mentioned by General Lee, in his memoirs; who, though he gives some particulars, yet is not minute in his statement of the circumstance. There is no

* This was written some years ago. In fact, the greater part of this volume is printed from scraps furnished by the author, from his port folio, in consequence of our signifying an inclination to publish a new edition of his work.

Note to the former edition.

doubt of the fact, however; nor would it appear doubtful to any one, provided the circumstances were minutely stated, which led to the success. But it is not consistent with the object of this work, to introduce this narrative by way of episode. I mention it only as an instance, that the improbable is not always false. The study of brevity, is a cause of the omission of incidents; an unwillingness to detain the reader. And yet the great charm of ancient historians, is the minuteness of painting. But I will say for myself, and at the same time it may be an apology for other historians, that the extreme study of brevity arises frequently from too much sensibility to public opinion; too great a fear of wearying the reader. We are not sure that what we relate is of sufficient importance to engage attention; and we endeavor to crowd the more into a narrow space. This is an attempt to make up by condensing, what the material itself wants in its quality.

But the want of probability has not been an observation in the mouths of all the readers of this work. On the contrary it has been thought by some, that the incidents have been all common and natural, that there is nothing improbable in them; and that the triteness of occurrence, rather than the unusual, and extravagant, ought to be the objection. What extraordinary can there be, say some, in such a creature as Teague O'Regan receiving appointments to office, or being thought qualified for the discharge of the highest trusts? Do we not see instances every day of the like? Is it possible to say how low the grade of human intellect that may be thought capable of transacting public business? It will be seen in the subsequent part of this narrative, that the joke has been carried farther than the lowest possible capacity of what is found amongst men; not just a block of wood, for that would be assigning intellectual functions to an inanimate substance. And yet, even this has not been without a parallel in the history of the human mind, as to what has been one subject of the belief of nations. Did not some even make gods of stocks and stones, assigning to them celestial natures, and placing them above a mortal existence? Under this impression, some have been forward enough to tell me, that, so far from my bog-trotter being a burlesque upon human credulity and pretension to office, that the bulk of men in office

are below even his qualifications; and that if I were to go into any deliberative body, and pull out the first man that occurred to me, nine times out of ten, I would find that I had a Teague O'Regan by the shoulders. I have no idea that things are just brought to this pass, notwithstanding there may be colour for the allegation. For undoubtedly there is nothing in which men are less disposed to question their fitness, than in what regards the endowments of the mind. A horse not a hunter, will not leap a five-bar gate, nor attempt a ditch of the same number of feet in width, unless he is greatly pushed by the rider. For the animal will have the sagacity to look and compare the distance with what he has been accustomed to surmount. But such is the sanguine temperament of the human mind, that who is there that does not think himself equal to any undertaking? This is the moral of this book, and the object of setting the example of the bog-trotter before the people; not as what is universal in every instance of a candidate for office; but as an instance of what is too common, and which ought to be avoided rather than imitated. For be assured that, as far as my observation goes, it is not the way to happiness, to court an advancement by a rise that is unnatural, or to think of being respectable by the mere possession of office, or delegation. The point of honour in such case, is rather that of a private station. But it is experience only, that, with an individual, or with the public, can sufficiently establish a conviction of this truth.

It will be said, why has the narrative been so long suspended? For it is now some years since the history had been brought down to the Captain, with his pedeseque coming to the settlement; and the sequel of the history begins at that point. The fact is, it was not suspended as to the waiting; but only as to the publication. For it will be seen that the incidents had not only occurred in the years 1805—6, but that they had been committed to paper, with the observations accompanying them, nearly at that time. For it was in those years that the convulsion of public opinion took place, with regard to the formation of a new constitution; and that we had that great struggle in this state to preserve ours; with analogy to which, the disquietude of the public mind, in the new government, has been depicted. For the passions of men being always the same,

under like circumstances, they will show the like ebullitions. It must be admitted that, under this new government, the reverses, as they may very properly be stiled, were much more extravagant. And if it is considered as having a relation to what has happened, elsewhere, or has actually happened any where, it must appear outre, as the French style it, and beyond the life. And therefore in the application, I give notice that it is to be taken *cum grano salis*, or with a reasonable drawback. *Nullum simile est idem:* nor does every picture run upon all fours. There is a likeness and a better likeness; a resemblance and an exact picture. But a caricature is not to come under the rules of painting from the life, or to the life; but, on the contrary, of giving you to know what is intended; but at the same time showing you something different from the thing itself; in other words, suppressing the beauties, and giving the faults. For, where the graces and deformities are mixed in the object, you are apt to fall in love with the deformities, for the sake of the graces. The use, therefore, of the caricature, is to put the deformities by themselves, that they may cease to be the object of imitation. Did any one ever see an imitator who did not copy the defects, even though he did not mean to do it? I say nothing of Alexander's courtiers having their necks awry; for that is a common place illustration. But I myself once knew an orator, a man of great powers, who had a kind of grin when he spoke; this, accompanied by some very noble flights of fancy, was rendered pleasing by what followed; but, when catched by the imitator, was displeasing. So that what took place in this state being followed, and carried to excess in the new government, would seem scarcely the same, though it might be evident that it was the same, not in degree, but in kind. But it is with a view to serve future times, that these things are handed down. For the cupidity of man still continuing the same, the like convulsions at no distant day will occur, and unless well managed, will terminate in the overthrow of liberty. For it is only by the permanence of establishments that are constituted on the basis of freedom that liberty can be preserved. And if constitutions once come to be played with like battle-doors, there is an end of stability. Every new man must have a new constitution; for he will wish one to suit himself; and he will have no doubt but that he can make one, that will at least have in it what he wants.

Will there be any end to the projects of innovators, in matters of law and government; especially where the most uninformed are-

equally entitled to an opinion with those of the greatest experience, or the deepest thought? And to exclude any from the right of having an opinion in public affairs is impracticable, consistent with the enjoyment of liberty. The principle of the right must be acknowledged; what is more, it must be preserved and cultivated. It is only by *reason, or by ridicule, that what is excessive in the exercise of the right, and erroneous in the deductions of the mistaken, can be corrected.*

In the propagation of a new religion, or in a new tenet of a particular faith, what is moderate will be likely to prevail in the opinions of men. The absurd is always the most popular, and this upon the principle that artificial tastes are stronger than the natural; and what produces the greatest excitement, is most pleasing to the mind. Hence it is that mere morality, and the dictates of nature and truth in the conduct of men, are undervalued, in comparison of the dogmata of fanatical faiths. Unintelligible reveries are better relished in the pulpit than just reasoning, on the principles of right and wrong in the actions of men; and incomprehensible theological disquisitions are put into the hands of young people, as more substantial food for the mind than precepts of moral truth, which every step in life will bring into practice and explain.

END OF BOOK III.

APPENDIX.

THE fact is, that some years ago, hearing of the death of George the third, king of Great Britian, the thought occurred to me, which has been expressed in a preceding chapter, of that monarch coming down to the borders of th Styx, and claiming an immunity from ferriage on the score of being a customer of so long standing, and to so great an amount, in sending down shades. And as a few doggerrel verses were struck off by me at a public house where I was detained during a snow storm, it has come into my mind, by way of varying the entertainment of this book, to give these, as I happen to have the paper by me; and those who may not like it well in prose, may relish it in a sort of measure; especially as it is drawn out to greater length, and with some variation of expression, though the ideas be, in substance, the same. It is thus, that an entertainment is diversified by having the same food dressed in a different manner, by culinary preparation. The same fish, flesh, or fowl, boiled and roasted, are not rejected because they are the same. I have not leisure, nor the documents from whence to collect a statement of the wars with the different people, and the probable bloodshed of these wars. But it would seem to me, that in few reigns has there been more than under that of the king of England, taking into view what he may have ended or left on hand. The Dialogue is supposed to be as follows.

GEORGE III. CHARON, MERCURY.

When George came to the Stygian flood,
Quoth Charon, in his surly mood,
Advance, and pay the ferriage due;
Which George in dudgeon took; What! you
Demand me ferriage, who, scot free,
May claim to navigate the sea;
Have been so good a customer,
And ship'd you cargoes many a year;
At least a million in my time,
Of every origin and clime;

Abatement of a single copper;
But treated as an interloper;
A trespasser upon your docks,
And funds arising from your stocks.
Do you distinguish whom you have
About to enter in your nave;
And honour to your portage bring;
No common phantom, but a king?

Quoth Mercury, and cock'd his eye,
Who, with his rod, was standing by;
This is king George the III. d'ye see,
Charon, his British majesty;
Not that St. George that slew the dragon,
And hack'd and hew'd some centuries agone;
But George, a namesake, and more skill'd
In cabinet, if not in field,
To deal about him better blows,
And knock down men instead of cows;
A very hero in his day,
And murderer, in sort of way,
By *ministers* and means of war.

D——n me, quoth Charon, if I care,
A hero, or a man of Gotham,
'Tis all the same to me to boat him.
But if a champion of such mettle,
Surpassing far your common cattle;
Where are the badges of his order,
And his certificates of murder;
Accoutrement of lance and horse,
To tilt at tournament, and spurs,
And helmet, with the beaver down,
The enemy to charge upon,
And other matters in campaign,
That have cut short the lives of men?
More like he seems to me to kill
A sheep, or rather *like to steal.*

Charon, quoth Mercury, a wag
You always were, and bullyrag.
In this your rhapsody of nonsense,

You know you speak against your conscience,
And do not believe the half you say;
For, a mere devil in his way,
His head, if not his hand, has sent
A million to your continent,
As I have a good right to know,
Charg'd with the driving them below;
And, from the multitude, can vouch
He has put thousands in your pouch;
For, not since Noah's flood, or yont,
Has boating turn'd to such account;
As since this man took to the trade;
The myst'ry of knocking on the head;
Not by his individual arm,
For that did very little harm;
But by his cabinet of crimes,
War, manufactures of his times.
Have you not found your toil increase
Beyond your customary fees;
And grown much richer than you were,
When traffic of the stream was bare?—
Some say begun to realize—
We scarcely can believe our eyes,
To see the country seats that fix
Themselves upon the river Styx;
Of which, 'tis said, you have a box
Built up from profit of your docks,
In this great run of luck of late,
Owing a good deal to his pate,
Who made a war out of a tax,
On tea, and stuck to it like wax,
Occasioning a double douse,
Of grist to this your mill, you goose.
I shall say nothing of the East;
Or war in Ireland lately pressed;
And though the French folks bear the blame,
Else-where, they lighted up the flame.
To Pitnitz is the credit due,
And influx of the gain to you.

I own, quoth Charon, we have had
For some time past, our luck in trade;
A pretty tolerable run———

Tolerable! you son of a gun,
Quoth Mercury: Why? not since Cesar;
Or's predecessor Nebuchadnezzar,
Has there been such an emigration,
By folly caus'd or by the passion
Of this same tyrant of the seas,
Who managed so to keep down peace
That in his whole reign there was war,
With those near hand, or those afar:
Not even your Bajazet, or Tamerlane,
Contributed so much to your gain;
Nor Alaric or Attila,
Did after them such havock draw;
Not by the maxims of his rule,
So much as obstinacy of mule.
But Charon have you no more wit,
Than ever once to think of it,
The dangers of economy,
Too much to Pluto's treasury,
Who, by your saving may grow rich
And build a bridge across this ditch,
And in your old age turn you off,
Having had your service long enough.

More likely turn me into hell,
Quoth Charon, since 'twill do as well.
But are you not a pretty god,
Dan Mercury, to spread abroad
Such doctrine that a man may cheat,
Provided he advantage get:
Bad ethic's in our school to teach;
Or for the devil himself to preach?
No wonder that with upper men,
You have been call'd the god of gain;
Nor much concern'd for common weal,
You make your shifts, *some say you steal*:
But as for me an honest tar,

I neither over-charge the fare,
Nor rob my senior of his rent,
Defrauding him a single cent;
And hence it is I keep my place,
Nor yet have suffered a disgrace;
Charg'd with embezzlement, or fraud,
From speculation, just as bad;
Which conduct I shall not pursue,
Nor with your cheating have to do;
For not a single head shall pass
The Stygian bourne, without the cash,
Whatever be his pedigree,
Or deeds that he has done, d'ye see.
Not if he had murdered every man
And woman, since the world began.
For such the will of Jove and Fate;
To change the rule would be too late;
And so it is that, every soul
That cosses in this boat, pays toll;
Will not abate a single copper,
To fighting warrior or clod-hopper;
Must every one douse down his Obole,
Whether he peasant be, or noble.

Just at that instant, an uproar
Was heard upon the other shore:
Ghosts wanting scalps, some wanting limb,
Wishing to get a claw at him;
And calling out to let him pass,
And they themselves would pay the brass.
The Hindo, with his staff in air,
And many an Irishman was there,
With his shilellah, to be at
His majesty, and give a pat.

But stiffer than the stiffest mast
That ever bent before a blast,
Stood Charon, and might still have stood,
Had not, from t'other side the flood,
King Pluto, hearing of the din,

And uproar that the town was in,
Hung out his signal, from the shore,
For ferry-boat to hasten o'er;
And telegraph, with what was writ,
As far's we could decypher it;
Which was to draw an order on
The treasury, or score him down;
Or take a credit in account
For what his ferriage might amount.

Aye, aye, quoth Charon, very well,
Since I have got the world of hell,
'Tis all the same to me, and so
Hoist anchor, and set sail; ye ho.

BOOK IV.

CHAPTER I.

"Once more to the breach, dear friends,
And close up the wall with English dead."

THAT is not a humane sentiment; for though we have wrongs from England, yet I wish a war put off as long as possible;* though I see that in the nature of things offences will come "and wo to him by whom they come," says the scripture. The ultima ratio regum, though the most effectual, is the hardest logic that can be introduced. But when I used the words,

"Once more to the breach,"

or when they came into my mind, it was as much as to say, "another whet at the ram." This means the same thing, and is a well known allusion to the clergyman taking his text from that portion of scripture, where the ram was caught in the brake, for the sacrifice, instead of Isaac; and having preached figuratively upon it, was wont to introduce his remarks, with

"Another whet at the ram."

This anecdote will be found in a book, entitled, Scotch Presbyterian Eloquence.

It is a matter of great self-denial in me not to introduce more quotations from the Latin classics; but I am unwilling to incur the imputation of pedantry, which persons who do not understand the language, are apt to bestow upon those who indulge themselves in this liberty of quotation from Roman writers. And yet to myself it is extremely pleasing; because I see great beauty in the turn of expression in that language; but still more in the Greek; though I do not quote it, because there are few printers who are furnished with Greek types, and can set the words. As to French I never have come to like the language; that is, to relish it and to feel the delicacy of an expression per-

* This was written before the war.

rectly, as setting off the thought. Nevertheless I am not wholly insensible of the neatness and perspicuity of the style of some writers in that language, in preference to others, as of Voltaire, or Rosseau, compared with the bulk of those who have gone before them. But of all languages that I have ever tasted, the Greek, unquestionably, with me, has the preference; and yet it cannot be supposed that I understand it as well as my vernacular; nor within many degrees of it; and yet I think it a thousand times superior. Bred in a soft air, and warm climate; whereas the English would seem to have been frozen in the north, before it began to be spoken by man; or rather it was first spoken by frozen men. Certain it is, that cold climates give a rigidity to the fibre, and harden those muscles by which the articulation is performed. Pinkerton, the greatest philologist of modern times, at least that I am acquainted with, thinks that the Greek is derived from the German; and that the German is the original Persian: that in some convulsion of the Persian empire, at an earlier period than we have any account of, some portion of that people had emigrated, and passing to the north, had made the circuit of the Caspian, and Euxine seas; and, at length established themselves in the heart of Europe. I can more readily conceive the Persian hardening into the harshness of the German sounds, than of the German softening into the fluidity, and sweetness of the Greek accent; but that there is a great affinity between the German, and the Greek, there is no one who understands both languages, but must admit. Both have a dual number; but independent of this, it is a proof of the affinity, that a German can easily learn to pronounce the Greek gutturals: whereas to those of most other nations it is difficult. That the Germans used the Greek alphabet in the time of Julius Cæsar, appears from his commentaries; though some have attempted to lessen the evidence of this by changing the words, Grecis literis, into Crassis literis utuntur; but clear it is, that a long time must have elapsed in the amelioration of the German into Greek; though I do not altogether reject the idea of these being the same language originally, as Pinkerton has endeavored to prove, both by the authority of writers, and by an historical deduction of the origin of

ancient nations. I must acknowledge that until I had read his dissertation, I had been inclined to think that the Germans had been a people distinct from all others from the creation of the world; for it is remarkable that, in the time of Julius Cæsar, before any mixture of other nations had intervened, the colour of the eye, and the hair of all, were the same; the blue eye and the yellow hair—

Cærula quis stupuit, Germani lumina, flavam
Cæsariem——

This quotion is from Juvenal, who puts this national characterstic of feature, upon the same footing as to being common with he swelling of the neck in Switzerland.

Quis tumidum guttur miratur sub alpibus.

Which swelling, called the goitre is not confined to the Alps; but is found at the foot of most high mountains: at those of Thibet in Tartary, as well as of the Allegheny mountains, on the west side; for it is remarkable that no instance occurs on the east. And in Chili, which runs an extent of 1300 miles between the Andes and the Pacific ocean, being, at a medium, but about 350 miles wide, there is nothing of this swelling; though the streams are swollen with snow waters; which refutes the hypothesis of those who resolve this protuberance into the drinking snow waters. In examining into the history of nature, there is nothiug that has puzzled me more than to account for this phenomenon, if the word phenomenon may be applied to so small an object, which is usually applied to large appearances in the atmosphere, or in the phases of the heavenly bodies. As little can I have an idea that the goitre is to be attributed to the mixture of calcareous earth with the water that descends from the mountains, which is the theory of Coxe; but rather incline to that of Sassure, to account for it, viz. the *humidity of the atmosphere;* but that mere humidity can occasion it, I do not believe; because in Ireland, or even the north of Scotland, which are moist climates, there is nothing of it. Yet that this, which may be called a malady, has some connection with moisture, I incline to think; inasmuch as from my own observation,

those situate near ponds, or in wet grounds, are most liable to be affected. But, what is more to the purpose, on interrogating individuals as to their sensations, I have been informed by them that theyare sensible to every change of weather, from dry to moist; and can perceive, to use their own term, a fluttering in that part of the neck, on the approach of rain. I am not of opinion, however, that the cause, whatever it may be, has the least relation to marsh miasma; for the locus in quo, as the lawyers say, where this disorder is known, is as free from fever as the driest regions.

But I return from this digression to the subject we were upon, the origin of the Germans, and the language of that people. I feel the more interested in this disquisition, because the Saxon, which was my vernacular tongue, is a dialect of the ancient German, and the mother of the English. The dialect that is spoken by the common people in Cumberland, and the adjoining country of Scotland, called the Low Lands, is Saxon. It is in this dialect that the old comedy of Gammar Gurton's Needle is written, which is the prototype of the Gentle Shepherd of Allen Ramsay. Many of the scenes, that of Maudge the witch in particular, are evidently borrowed, so far as respects the character of the personage. I wonder that it is not looked up, and printed with the Gentle Shepherd, that it may be seen how nearly they resemble. It will be found in a collection of old plays by Dodsley; amongst which the model of Shakespeare's Othello, in a tragedy by a certain Ian, or John Pafre, will be seen. In looking over these, it will appear that what is called blank versification, was written with great facility before his time, in that fluent way which he has preserved, and which is the only way in which it is tolerable to me, that of Milton excepted. For the versification of neither Thompson, nor Young, do I greatly relish; and that of Cowper as little. Congreve comes the nearest what I can bear.

But I recur to a consideration of the language of nations, not meaning stile in composition, but the sounds by which ideas are expressed; and those sounds attempted to be communicated by letters of the alphabet; I say, attempted; for after all that can be got by the arbitrary marks which we call letters, it is by the ear alone

that we can catch the real sounds that are intended; it is only by a length of time that the ear can catch a sound, or the tongue be brought to imitate it. It is for this reason that it is thought that those who have a taste for music, and some facility in catching a tune could most easily acquire he pronunciation of a language; though, I have my doubts of this; for there seems to be no immediate connection between the faculty of singing, and of speaking merely; not that I will undertake to say that softness of features and softness of voice are not connected; for beautiful features always appear to have more delicacy of expression, than the homely; and a handsome woman to sing more sweetly, if she can sing at all, than one that is what we call an ordinary person; whether it is that the imagination cheats the ear, and what is more lovely to the eye, is also more pleasing to that organ. A young man in the pulpit is thought to possess greater powers of oratory in proportion as he has the advantage of personal appearance. In fact the goodly person has the advantage before any audience. Cicero considers stature, an advantage to the orator. A public speaker must be tall; or have such powers as to be able to make those that hear him forget that he is of a small stature. This was in the power of Garrick, according to the poet Churchhill.

Figure, I own, at first, may give offence,
And harshly strike the eye's too curious sense;
But when perfections of the mind break forth;
Fancy's true fire, and judgment's solid worth;
When the pure genuine flame by nature taught,
Bursts into act, and every word is thought;
Before such merit all objections fly;
Pritchard's genteel, and *Garrick six feet high.*

It strikes me as very extraordinary that those whose province is speaking, do not think of assisting the personal appearance more by the article of dress: I mean in the costume or model of the coat, which is that of the labourer, rather than of the *gown;* I meant to have said of the long robe; for the vest and coat that sits close to the body, and is short, has not the dignity of a more loose and flowing garment. And hence a speaker appears better in what we call a surtout, than in that which sits tight to the body. He will feel more easy in such a vestment; though he must be careful when he turns his back to the fire not to burn the tail; but at the same time, it will not do to take it up in order to warm his posteriors because a

delicate man will not wish to have it brought into view that he has posteriors to warm. For nature having an antipathy to those parts has turned them behind, which Loginus notices, as an illustration of a precept of good writing. It is true the jockycoat being slit behind, a corner may be taken up under each arm; but the attitude is ungraceful. A friend of mine once, for whom I had a great good will, introducing his son, asked my opinion what he should do with him—He had given him some education, and was at a loss, whether to put him to study law, physic, or divinity. I recommended to a handycraft employment. But an experiment of a learned profession being uselessly made, the father, after some years, wondering at the sagacity I had discovered, having had no opportunity at the time I had given my opinion, of knowing any thing of the lad, but just seeing him on his being introduced to me, enquired on what ground I had formed my judgment; I told him frankly, that I had seen at a glance what he was in the stamina of his mind, by the manner of his turning his back to the fire, and taking up his coat behind. For there is a delicacy of feeling which always accompanies genius, and which shows itself in even the smallest particulars. A diligent observer will find in what may be thought the most indifferent actions, enough to indicate the portion of intellect which has fallen to the share of a young person. For as a great general at a coup d'oeil, or glance of the eye, can catch all the advantages of ground to draw up upon, and manœuvre his army; so one acquainted with the human pysiognomy, and attentive to the movements of the body, can give a pretty good guess whether the boy is to be denominated a John Bull-calf, or Nicholas Bottom the weaver. I have not the same skill in the female character, and might be mistaken in my ideas of what a young lady might be brought to be; but having been employed a great part of my early life in the academies, and in the instruction of youth, I had acquired some degree of sagacity in distinguishing the aptitude for pursuits in life. And I cannot say that this has been the source of much advantage to me; but on the contrary, of much vexation, to see those whom nature intended for hucksters, and haberdashers of small wares, pushed forward into the learned professions, and calling themselves lawyers, or affecting to be politicians, and conductors of the affairs of government. I well know that no man's opinion can be considered as importing absolute verity; but so far as my opinion will carry weight with it

I can say that I have known judicial characters who, if things had taken place according to their gravity in the moral world, would have been at the bottom of the stair-case; at least would never have risen higher than keeping a shop of merchandise, and in that situation might have been respectable. For far be it from me to undervalue men's occupations under whatever denomination. It is the unfitness, the incongruity of talents for the occupation, that I arraign.

Felices agricolæ, sua si bona norint.

Happy might the dunces be if they knew their happines; that is could they distinguish where it was to be found.

But returning from this digression to the thread of our discourse. I take it, the Basternæ were that people from whom the Saxons of the Weser and Vistula were principally descended. For after their repulse by the Romans, under Augustus, when they attempted to enter Thrace, they would seem to have pressed upon the west of Europe, and occupied this quarter. The Getæ, or Goths, were more upon the Rhine and heads of the Danube.

Turner, in his history of the nations which have emigrated from beyond the Elb, has proved, or rendered it extremely probable, that a great country was lost during the dark ages, on the west of Europe, of which Greenland and Iceland are remains. For it appears from the archives of Denmark, that from very ancient time, that kingdom had colonies in that quarter; and an intercourse had been kept up, which had been discontinued during the adumbration of the north from the inundation of barbarous nations. We are certainly but little acquainted with that corner of the earth; the Romans having had no knowledge of it, much less the Greeks, living more remote from the scene. It is but extremely little we know of the earth we live upon, so far as respects mankind; nor, perhaps, is it to be regretted; for to what purpose would it be to know more, but to increase our knowledge of bloody battles, or of individual misery? Would it not rather be desirable that the whole remembrance of past events was struck out of our minds, and that we had to begin a new series? What happens every day now, is so like what happened before, that the sameness is wearisome. Instead of consuming so much time in acquiring

a knowledge of history, we might employ ourselves in searching the mountains for simples, or digging for minerals. Chemistry begins to be once more a fashionable study; but the fine arts, music, painting, poetry, and architecture, occupy so much of the time of education for a young person, that there is not leisure or space left for the more useful pursuits. I have not mentioned statuary; for there are few amongst us that handle the chissel in any other way than as joiners or carpenters. Carucchi was guillotined, as being concerned in constructing what was called the infernal machine, for the purpose of blowing up Bonaparte. It is astonishing that one so far above his species in the divine art of imitating a man by the fabrication of the hand, should have thought of destroying an original. It was this Carucchi that proposed the representation of America in sculpture, wringing the rivers from her hair. David the painter is also one of those wonderful personages; for such I call them, who possess the sublime of genius in one of the fine arts; that of painting what would seem extraordinary; he was said to be one of the most bloody of the revolutionary tribunal, at least subservient to them. Now there is a delicacy, and fineness of mind, so to speak, in such kind of intellects, that it astonishes me, how cruelty can find its way to mix with it.

Is there reason to suppose that this earth is, with respect to some superior order of beings, but a bee-hive; and that they are amused looking at our working? It is humiliating enough to conceive so of our insignificance, and therefore I repel the idea: but supposing it be so, it must be amusing to them to see the same revolutions over again in the moral world. The like abstract notions in metaphysics and theology, with similar experiments in government. For it is true what the wise man observes, "there is nothing new under the sun."

I have no idea that the Theogony of Hesiod, as it is applied to action in the Iliad, and Odyssy of Homer, and continued down in the Æneid of Virgil, will be revived in the faith of nations, while any vestige remains of the credence. For there must be novelty in the hypothesis that will attract; though I will admit that boldness, or rather extravagance in the belief, is most likely to be successful.

The preceding dissertation on the origin of the languages of Europe, and incidentally upon other subjects, may seem incongruous with the nature of this work; did it not occur to a diligent observer, that there can be nothing incongruous or inconsistent, with a book which embraces all subjects, and is an encyclopedia of the sciences. It is an opus magnum, which comprehends law, physic, and divinity. Were all the books in the world lost, this would preserve a germ of every art—music, painting, poetry, &c. Statuary it says the least about. Nevertheless, some hints are given that will serve to transmit the reputation of Phidias and Praxiteles, and stimulate the efforts of the chissel upon stone in generations yet to come. Yet disliking egotism and all appearance of vanity in others, I am unwilling to emblazon, beyond what is moderate, a production of my own. But, to speak my mind a little freely, leaving the Bible out of the question, which, taking it even as a human composition, may be termed a *divine book; a collection of tracts unequalled in all ages* by other writers; and conceding to Homer his superiority; and to Shakespeare, and Plutarch's Lives, I do not know; but I certainly flatter myself, that my performance may occupy the next grade. But I will not say more at this time, lest I be accused of boasting, and be called a braggadocia; an imputation carefully to be avoided by all who would escape envy, and the vexations of that malignant passion.

CHAPTER II.

IT is abundantly evident from the history of the human mind, that the more extravagant any opinion is, it is the more likely to prevail in some times and places. This will have been found to be the fact in many theories of philosophy, or systems of religion. Were there two such presented to me upon any subject which comes within the province of imagination; the one rational and moderate, the other absurd; and I were to take

which I chose, with a view to the speediest propagation, and the greatest number of adherents, I would take the absurd; for what merit is there in admitting what nobody, without an effort, could dispute? And independent of this, there is a secret power in the unknown, and incredible, to arrest the fancy and subdue the judgment. The outrageous, when first presented, shocks, and then domineers over the understanding. I would just as soon undertake to persuade the bulk of mankind, that they saw a bull in the firmament, as that two and two make four. At all events, when I had once got such a thing into their heads, as a buffalo grazing on a cloud, I would defy years to get it out again.

Hence it is not to be wondered at, if the idea of the improvable nature of beasts having got into the heads of the people, all reasoning with them was at an end. The visionary man had made proselytes to such an extent, that the people insisted on an experiment, by raising some of the brute creatures, at least, to executive offices. The clerkship of one of the courts being vacant, great interest was made by the owner of a monkey, to have him appointed. The Governor was harrassed by the application, which was at the same time so respectably supported, that he could not possibly avoid the nomination. Not that even yet he had the smallest confidence in his capacity of discharging the duty; but that he might save himself from the importunity of the friends of the experiment. Accordingly the monkey was appointed, and his commission made out in form. He had remonstrated against the solicitation, representing his persuasion of the incompetency of the animal; but it was so firmly impressed upon the public mind, that the thing deserved a trial, that he was obliged to yield. For they insisted that, whatever might be the incapacity of the animal, the commission would supply the defect. Indeed they argued very plausibly upon this; and it seemed not to be without foundation that they urged, that it was every day before their eyes, that persons were appointed to office who were not qualified; and what was more, never could become qualified; and yet the world did not stand still; nor did even the order of society, and the affairs of men seem deranged. It is incredible what a little mat-

ter will go to support one in the discharge of an office. Hence it is not so absurd what the buffoon said, "let the king give me a commission, and I will see who will say I am not fit for it." However, in the present instance, it was carrying the jest, or, as it ought to be said, the experiment too far.

The monkey did not make out even to save appearances for a short time; whether owing to the mismanagement of those who had the command of him, or to his own incurable restlessness, and locomotive faculty For being brought in, and placed upon the table, with the implements of writing before him, and the docket to make entries; the first thing that struck him was the basket of a fruiterer at some distance; and it was not a second of time before he had leaped upon it, and had a pippin in his paw. Being brought back, and put to his desk again, and desired to make a minute, he deliberately got up and made water on the table, the inkstand being in the way. This was encouraging to the sanguine; for it was thought he wished to have the ink made thinner, as being about to write. But no appearance of this, when the next bound was upon the bench, and the judge's wig hauled off his head, and pulled under the table. This was ruled a contempt of court, and pug was ordered into custody. It was with some difficulty that this was accomplished; the constable and sheriff exerting themselves to take him, but his leaps were so nimble, that it was not till after a considerable time, with the assistance of the whole bar, and the suitors of the court, that they could lay their hands upon him. In fact, it was not until some of them had laid their sticks upon him, and knocked him down, that they were able to entangle him in such a manner as to overcome his cantrips, and get him in a bag, as you would a cat, in order to convey him to prison.

Who could have thought that such a practical experiment would not have reduced the falsity of the hypothesis of the improvability of beasts to the extent alleged by some, to an evident demonstration? And yet so ingenious is the pride of the mind, to support the error which it has once patronized, that some did not even yet submit to reason and common sense. They averred a want of candor in the court and bar to have the experiment fairly made, alleging the craft of the profession; that pug could not have had fair play in the trial; that

he must have been pinched in the tail, or in some other way, rendered unmanagable. For, that of himself, he never could have shown such an unwillingness to discharge the duties of his office; more especially, as by showing him apples and nuts at a distance, it was a hint to him what he might expect in the way of fees, provided that his capacity, and his diligence, was found to equal the hopes his friends had entertained of him.

But, whether the experiment, in making a monkey a prothonotary, was baffled by the utter incapacity of the animal himself, or by the intrigue of the profession, and the court frowning on it, the practicability of making more out of the brute creation, than had ever yet been done, was not wholly given up. It was determined to make an experiment of what might be done, in bringing forward some of them into the profession itself; and with a view to this, choice was made of the more noisy of the dumb creature, a dog. For though this beast comes under the denomination of dumb, yet it is no uncommon thing to compare a lawyer to him, or him to a lawyer; and though we say a dumb dog, yet I have heard a lawyer called an impudent dog; and there are many who are said to bark, rather than to argue a cause like a rational creature.

The court were a good deal opposed to the admitting a hound to the bar. But the people out of doors and those of the circumstantibus, or by-standers, would insist upon it. The court said, they would not be understood to entertain a doubt of the capacity, in such advocates, at least so far as respected the making *motions*; but they were apprehensive of disorderly behaviour; not so much as to *side bar* conversation, and sitting on their posteriors and looking up to bark, as to their movements to and fro, and leaping upon the bench; in which case it would not be much less difficult to keep them to their places, than it had been in the case of the monkey, whom they had all seen could not be kept to order. As to the keeping to the point in their discourses, of that there was not so much matter; for it was not always easy to see what was the point that was made, and to which it became necessary to stick. Was there no danger that, instead of confining themselves to a wrangle, they would actually wage war, and interchange bites in the course

of their altercation? Wager of battle did not exist as a mode of trial; and therefore fighting like dogs was not known in judicial proceedings, though the quarrels of counsel did sometimes approach a little towards it.

On all these considerations, the court would have been willing to have confined the construction of the constitution, that "a man shall be heard by himself or his counsel," to the being heard by himself, or some animal of his own species. Nor was there any great reason to believe that, though in many instances we see the more incompetent of a bar at the head of the business; yet, in general, people will find out those who can serve them best; and it was not probable that, if the real, natural, and actual tykes were admitted to plead, any one would be so weak as to employ them in a cause; it is true, they had known many an ignorant, impudent puppy at the bar; and some good natured of the dog tribe, so called by way of figure and resemblance, even make fortunes. But this was by way of figure; and they had never yet known one so perfect a beast, as to want the shape of a man, to make his way, or even to attempt practice. And if no suitor did employ such a one, when admitted, where would be his business; unless in the case of a pauper unable to defend himself, where the court might appoint counsel; which would not be decorous in them to do, even in the case of a misdemeanor, unless they had greater reason to expect something like a defence for the unfortunate accused, than from such unexperienced persons. It is true, that such appointment by the court, as in the case of a horse-thief that every body believed guilty, even before he was tried, might pass without censure; but if an honest pauper was convicted, being falsely accused, and this owing to the blunder of an advocate appointed by the court, the reflection would fall upon them; for these reasons they would be shy in taking such nomination upon them; and would be disposed to leave the dog, whether what is called a feiste, or a mastiff, to his own exertions to get himself employed as he could; and if it came to them to assign counsel at any time, they would select, if the younger, yet at least some of the bar more likely to do justice.

It was to no purpose that these matters were urged. For however weighty the reasons, they were of no avail against the current of public opinion; whether it was that there was some, as there was reason to suspect, wished the lawyers burlesqued, and the profession made a subject of ridicule, or that the greater part were really credulous, which is more probable, to the representation of the philosopher.

Hence it was that, on the day appointed for the experiment, a great number attending, some of the most respectable of the community; two of the canine species were brought in, and placed opposite each other, as adversaries in a cause. They were said to be dogs of a good bark, and had been pitted against each other several times before the bringing them to court, and had worried each other pretty comfortably on more occasions than one. Hence there could be no doubt, but that they would take different sides of the question, and snarl, and grin, and growl abundantly; the only difficulty would be, the keeping them apart until the testimony in a cause had been introduced, and they were directed by the court to proceed.

This difficulty, as was foreseen, did actually occur; for no sooner were the beagles uncoupled, than they actually flew at each other, and had one another by the throat. It was in vain that the judge called out order, gentlemen order; I shall be under the necessity of committing you for this irregularity of proceeding; your behaviour is unbecoming your profession. The dogs continued their contest, till one knocked under and howled most piteously. The humanity of the spectators, some of whom were suitors, and some not, at length interposed, and wished them to be separated, but not an individual of the bar gave themselves the least concern on the occasion; but, on the contrary, seemed diverted with it as a farce, and laughed immoderately; which gave great offence to the people, and much reason to suspect, as in the case of the monkey, there had not been fair play in the experiment. Who could tell what spurs, or sharp weapons, there might have been under the table to prick and goad these simple and unsuspecting creatures to battle? If Jowler and Cæsar had actually succeeded in maintaining a standing at the bar, it might materially have affected the

employing human bull dogs, to manage a controversy. And could it be supposed that, having this interest at stake, the profession would have made no exertion, secret or reserved, to counteract the introduction of quadrupeds? Upon these grounds the persuasion of the capacity of beasts to advocate the most difficult question of law or fact, was strengthened, rather than reduced, by the experiment made; or if some did query whether all at once, they might be competent to give the best advice, as chamber counsel, in a matter of difficulty respecting the legal tenure of estates; yet no one hesitated to pronounce his conviction that they were capable of being good advocates in a criminal cause of assault and battery, at least; or where noise and racket went a great way to constitute a good pleader.

The public opinion out of doors, was formed a good deal upon the noise they had heard. It was thought to resemble that of lawyers in their sparring. If some surmise did get out, that in nothing but yelping did they resemble, it was attributed to their not being of the genuine breed, that was fit for the bar; that experiment ought to be made from the Norwegian lap dog, the little Indian dog of the South sea, until they came to one that had the right genuine snarl. But all idea of incapacity was hooted at by others, who had taken up a more favourable impression, having been in the way of hearing that one of them made a speech of an hour in length; and that, had he not been stopped by the court, he would have spoken two hours.

What did he say? said a man somewhat incredulous.

I never can tell very well, said the other, what the lawyers say. It is all the same sort of jargon to me, consisting of law terms; but this I know, if I had a cause to try, I would leave it as soon to the dog that I heard bark, as to most lawyers that I have seen plead at a bar.

Owing to these averments, and promulgation of rumours all tending to make dog pleading popular, it was not longer than the next week, that there were several people who had come into town, enquiring where the dog lawyers had their offices. The real lawyers were so enraged that they knocked them on the head, though of the profession; but clandestinely; for they were not without apprehensions of the resentment of the suitors, if the dogacide should come to light. The law might take hold of them also, if they could

be considered as coming under the description of reasonable creatures in the peace of the commonwealth.

But there was no need of precaution, and secrecy, ; for the whole circumstance relating to the dogs, and their appearance in court, or the manner in which they acquitted themselves in the trial of a cause was lost and forgotten in the introduction of a wolf and fox the third day of the court ; the wolf muzzled, having been taken in a trap. But to avoid all insinuation, or popular obloquy, of not giving them, a fair chance, by admonishing them before they began, of the duty of counsel, the rules of the court were read to them, and it was stated what abuses in the conduct of attornies, had been observed, and which it behooved them to avoid ; such as scratching their noses, puffing their breath, turning and twisting in their seats, or sitting with their posteriors on the counsel table, and talking to the bench ; holding side-bar conversations, and looking and yelping to the juries, or grinning when they thought they had said a great thing smart. Growling and grumbling when the point was given against them, they ought not to take it for granted, that they were the only persons who had a knowledge of a law case, or the application, was not infallible.

Gentlemen, said the chief justice, you are entering on a profession that, independent of legal knowledge, for that, we take it for granted, you have a competent share of, requires in a practitioner the utmost delicacy of behaviour, both to the bar and to the bench, as the surest means of your success. For it is a mistake to suppose, that impudence is the principle qualification here. It may go some length in the opinion of bystanders, to give them the impression of boldness; but if it goes no length with the court. It is, on the contrary, a great draw-back. Diligent preparation in your offices, and modest demeanor at the bar, is the most likely way to secure confidence, and to conciliate attention, and to have what is called the ear of the court. For when a person merely barks the moment he begins, nothing but a bark being expected, the judge lets his mind go to pasture, if I may be allowed a figure, that is, indulges himself in absence of mind, until the harangue wears near a close. There is what is called having the ear of the court: for should you howl ever so loud, or bark, unless there is a previous respect founded in the expectation of what you are about to say, there will be little attention in reality, whatever there may seem to be.

Opinion had been expressed in the mean time, on the talents of the respective advocates, according as any one had augured favourably, or the reverse of one or the other. It was expected the fox would show the most address in the management of a cause; but that the wolf would be most likely to carry his point by browbeating his adversary, and the court.

Gentlemen, said the court, fox and wolf, or wolf and fox, whichever of you it is that begins first, and that will depend upon your being for the plaintiff or defendant—you will please to proceed.

The wolf being unmuzzled, and the fox let slip, the one ran under the bench, and the other leaped out at the window, the dogs after him, which gave occasion to leave this matter of professional capacity still undetermined, the pursuit of the dogs giving occasion to the old surmise of the lawyers having set them upon them to get rid of a formidable rival. In the hurry scurry, there was little said about the fox, and he was supposed to have made his escape.

The reprimand that the chief justice gave to the squirrels and the pigs for their behaviour in court, was perhaps the most pointed of that given to any of the beasts; to the squirrels for *cracking nuts*, and chirping like cockroaches, while the charge was delivering, and conversing in corners with each other. To the pigs, for munching apples; because it was not only a trespass against decorum, but an interruption to the argument of counsel, which could not be so well heard. Mouthing on the stage is spoken of as far from being agreeable. But such mouthing produces but a slight tumefaction of the oral orifice, and gives a rounding to the voice,

"Ore rotundo."

But the mouthing the pipin, or the peach, distends the jaws occasionally to an immeasurable width; and if one half the hemispere is attempted to be embraced like a snake swallowing a hare, the eyes have an appearance of starting from their sockets, which communicates pain to the beholder, because it impresses the idea that the actor is in pain.

CHAPTER III.

A VOTE in a community in proportion to the *stake*, would seem at first sight reasonable. But what is the stake? The foot of earth that one holds merely? Can soil be valued by the foot, without regard to quality, and situation? Is the improvement made upon it to pass for nothing? Quantity and quality of soil cannot be the measure. Labour expended may be more than quantity or quality.

The adscripti glebis, or attachment to the soil, may give some security against external enemies; but what security for internal peace, and equal liberty? On the contrary, he that has much will covet more, until an aristocracy is established; and aristocracy leads to monarchy and tyranny. Put it on the footing of desert. Does the accumulation of riches imply virtuous action? Must he be considered to be possessed of a *great mind* who has been fortunate? Is it not oftener evidence of a *low mind* to have acquired riches? I say oftener, because I admit that it is not a general rule. Has the dictum of philosophers passed for truth, *that there is nothing great to despise which is great;* and shall wealth in a commonwealth be accounted great, and entitling to honour and communities? But the presumption is, that a man, regardless of his own means, will not be likely to adopt wise measures in the affairs of the republic. I will admit that a presumption lies against him who has no property, that he might have had it, if he had been industrious or prudent. But the moralist truly says, that "riches are not to men of understanding." That is—not always so. I lay it down in general, that a moderate degree of wealth is "*to men of understanding*" But there are exceptions that defy chance and time. A *special providence*, or chance, if you would choose to have it so, has something to do in the affairs of men. "He that is born to the plack will never win to the babee," is a proverb in the old Saxon language. But I hold it that in general the fact is, that "the hand of the diligent maketh rich." and a man that is faithful in his own affairs, affords a reasonable

presumption, that he will be faithful in the affairs of the public. But selfishness, and disregard of the public are symptoms of a grovelling mind. And there are heroic souls, that seem born not for themselves, but for the public. And there is a Latin maxim, "non nobis metipsis, nascimur;" we are not born for ourselves alone.

There was a poor man, and yet that "poor man saved the city." You cannot exclude the unestated man without, at the same time, excluding the wise and the virtuous that are without estates. There can be no good enjoyed without an alloy of evil. Liberty of the tongue, liberty of the press, or any other species of liberty and equality, will have its drawbacks. It is doubtless a great evil that Tag-rag and Bob-tail, and who are so by their own indolence, should come to the polls with an equal voice, in the constitution of the government, with those who have a greater stake in matters of *property*; but it cannot be avoided without losing the principle that *money is not virtue*. If you carry it out that property must be represented according to property, the voter must have votes in proportion as he is wealthy; and wealth in soil only cannot be regarded. The establishment of manufactures, the encouragement of commerce, would oppose this. If he that is without property of any kind can have no vote, he that has much must have many; and this brings it to an inequality of votes, which require a continual census to regulate the number. If paying tax is a criterion, he that pays more tax ought to have more votes. I see nothing simple and like truth in the matter, and approaching the practicable, but that the poll should poll; and every one that brings a snout of full age to the election ground, should have a vote. Indigence is, in its nature, dependent; and will rally round candidates of some standing in society, from their degree of independence; and the votes being thus amalgamated, will balance parties in a commonwealth. A government of liberty is the most delicate of all structures, and there is no preserving it, if the love of money is encouraged, and made the sole evidence of patriotism. If a difference in suffrage could be made, I would make it in favour of those who have invented *useful* arts, and made discoveries in mechanics; or who have, in fact,

in some way *benefitted* society. There would seem nothing unreasonable in indulging him with privileges who had brought up a large family of children; or introduced a new breed of cattle; or grown a better sort of grass. But a usurer, or one enjoying rents from the lands that his ancestor has left him, cannot be said to deserve well of his country; or at least not so much. The New-England man that comes with his machine, for which he has obtained a patent, is of peculiar respectability compared with these. I say New-England, because that part of the United States has been most fruitful in inventions, from Phipps of Massachusetts, who invented the diving-bell, down to the present time—Whether it is that poverty has produced the necessity of recurring to their wits, having a greater stock of population, and the means of livelihood being less within their reach—Ingenii largitor venter—or whether it is in the soil, or the air, and water of the climate; for natural, as well as moral causes may produce this difference in the capacities of men.

I can see no reason in giving a field a vote, much less a piece of wood-land; nor one to the owner of beasts in proportion to his stock; unless those beasts could speak and give a viva voce vote.

It has seemed to me that the ancients. and some of the moderns, have carried the fiction beyond all probability, of beasts speaking; because a dialogue of this kind exists but in books of fables. It is much more within bounds. to put at least for one of the speakers. a person that can speak. This we have done, and have not put a single syllable into the mouth of a beast at all. It is the man that we make speak; the beast only listens. Yet it is ten to one but some will call out against the going even so far, as to represent beasts listening; because it is to music, only, that they have heretofore been made to listen, and not to the dry precepts of didactic art, or moral reason. But certainly the introducing men speaking, and beasts listening, is not so extravagant as beasts speaking, and men listening. The instances of beasts actually speaking are so few; in fact there is not a single instance within my knowledge, so that I thought it the more prudent part, in order to avoid the having the truth of my

history called in question, to confine them to listening altogether. What these beasts would have said, had they spoken, every man may imagine for himself. In this case there is less danger of giving offence, every one having it in his power, to mould his sentiments, *a son gre*, or according to his own mind.

But had I been so inclined, how could I have made them speak? For just as they were going to open a mouth, or at least as the occasion had arrived when it would have been proper to have done it, the dogs were set upon them, or the dogs did set upon them. For this would appear to be the safer expression, as the bar assert that they as a profession, whatever some individuals might have done, had nothing to do with it.

It has been stated that the proper articulately speaking beasts have not been pitched upon. It is sufficient to answer to this, that we had not the choosing them; or, if we had, can it be said that all beasts are not equally made to speak; that is, are represented equally capable of speaking, in the history of Reynard the Fox? Among the Jews, the ass seems to have been the principal speaker; and though an ass at the bar, or on the bench, either, would be no new thing; yet vulgar opinion is against it; and if an ass had been introduced, the force of prejudice is such, that any disappointment that might have occurred, would have been attributed to the choice made. Amongst the Romans, the feathered creation seem to have been the most loquacious, as they are to this day, in their own way.

"Annosa ab illice cornix."

But a prejudice also exists in modern times against fowls articulating: they are said to *chatter*, as, for instance, the magpie.

Ornithologists are not so attentive as they ought to be to the language of birds. The plumage seems to be most their object in delineation; and it must be acknowledged, that it is in the article of fine feathers, like some fine ladies that I have known, that they are most distinguished; red, green, blue, vermilion, and all the colours of the rain-bow. It is in this point of view that I take the liberty of recommending the Ornithology of Wilson, lately published in Philadelphia, with fine drawings of our American birds: and which every man that can afford it, ought to encourage by his subscription. Not that he makes them say any thing, ore humano; but he gives a

clear and full note of their notes, under the figure of each bird; this though perhaps not so usefull, is at least as amusing, as a dissertation showing to which of the articulations of the human species, they approach nearest in their respective sounds: Arabiac, Samaritan, Shawanese, or Creek. The language of beasts and birds has been much studied by the Orientalists: but none of them have given us a vocabulary, much less a dictionary, of any of those multitudinous dialects which exist amongst them. And yet in their tales of the genii, and other compilations, we have abundance of the conversation of the inhabitants of the air; which proves that the people of the east must be a good deal in the habit of hearing birds converse. The story of Mahomet's pigeons, I take to be a fiction of the monkish writers; but we have in the scripture, if it is not a figure, and a strong way of expressing what is meant, "Curse not the thing; no, not in thy thought, and curse not the rich in thy bed-chambers for a *bird* of the air shall carry the voice; and that which hath *wings*, shall tell the matter." Hence the language of mothers to their children when they mean to say that they have got the information from a source they do not mean to explain, "a little bird told me of it."

It will be said that in all this ribalry of beasts and birds speaking, I have it in view to burlesque lawyers: not at all; it is to burlesque their defects; and under the guise of allegory to slur a truth; for an able councellor, an advocate of a good head, and heart, of which I know many, are with me amongst the first of characters. I have no such vulgar prejudice against lawyers, as some people have; there are good and bad of them as of other professions. And this I will say, that of all professions, it cannot be but that the study and practice of the law, leads most to discern the value of honesty; for the study consists in tracing the rules of justice, and the practice in the application of them. It is the man that is no lawyer, but calls himself so, that is the knave. The nature of law is liberal; and gives understanding; and wherever there is sound sense, there will be honesty. But I have such a contempt of chattering in speech, and bluster, and bullying in manners; and of quibling, and catching in practice where it occurs, that I feel no compunction in designating it under the masque of irrational noises, or quadrupedal affections.

If any thinks the cap will fit him, let him put it on. In the mean time, I will put on my considering cap, and see what it is that I have to say in the next chapter.

CHAPTER IV.

WHEN I speak of the visionary philosopher, I do not mean him that had

"Read Alexander Ross over;

but who had seen the great Stewart, who delivered lectures in this country, on the perfectability of man, and this student, or disciple had been disposed to carry the matter farther, and discuss the perfectability of beasts.

It is impracticable, said the Governor. Instinct has but narrow limits; and is not improvable, as is human reason. However sagacious a fox may be, in eluding hounds and catching poultry, the distinction is immense in the nature of the intellect. I hope you would not think of extending the right of suffrage to these. There is no incorporating wild-cats and jack-daws in the community. We have enough to do with men that have the shapes of Christians, let alone oppossums and jack-alls, and bears of the forest that have no reflection; or if they could reflect, would their keepers permit that intercourse with peaceable inhabitants, as to render the interchange of civilities safe and convenient? In point of capacity, they would be deficient, and unqualified even for the ministerial offices of government. But as to those duties or professions which require some discrimination of meum and tuum, they ever remain totally incompetent.

What, said the philosopher, persisting in his theory, have you not heard it said, that judge this, or judge that, is an ass, that another is a horse, and of even a juris-consult, or barrister, for instance, that he is a panther; a bear, especially when he is hard upon a witness in his cross examination? Might it not be practicable to bring a brute beast to be even capable of filling an office of trust or honour?

I grant that a judge, figuratively, said the governor, may be a horse or a buffalo, or an ass; or that a counsellor may somewhat resemble the ferocity of a tyger at the bar. But that these animals, stript of all figure, and colouring of speech, should in reality, and in propria persona, be put upon the bench, or li-

censed to plead, would be more than I am yet prepared to think advisable.

You are not aware of the hypothesis of Darwin, said the philosopher, that man may have been originally a cray-fish, or a flying squirrel?

I am not, said the Governor. And though I do not know that the Lord spoke all things to Moses that he is said to have spoken; for there may have been some mistakes in the translations from the Hebrew, as in other versions; yet there seems to me more probability in the cosmogony of the Hebrew writer, than in the reveries of Darwin in his Temple of Nature, or his Zoonomia. And even supposing the brutal to be capable of amelioration from one nature to another, until it reaches the human, it would seem to me, that its rights should keep pace only with the improvement of its forms; and that we should wait until the elephant comes to sit upon his one end, and cease to go upon all-fours, before we think of introducing even the noblest of animals, in point of intellect, into a participation of civil institutions. The swinish multitude are spoken of as having a right to vote; but that also is figurative, and it is not meant that a pig can be actually admitted at the hustings to give in a ticket; much less that a wolf, just taken in a trap, should be made a justice of the peace, or an alderman.

What, said the philosopher, has there not been a time when beasts spoke?

"Pecudesque *locutæ*,"——
"Annosa ab illice cornix,"

said the Latin schoolmaster, who had just joined the conversation.

It is fabulous, said the Governor, I have seen what is called the history of Reynard the Fox; and what beasts were when under the monarchy, where the lion was king; and I think a good book might be written, called the *Republic of Beasts*, pourtraying the cabals of men, and their contentions in a free government. But to constitute a republic, in reality, of the four footed creation, would be carrying matters a step farther than has ever yet been attempted. In that case I acknowledge we would have no occasion for the common law; nor

tribunals or forms of administering justice; jury trial might be abolished; for scratching and scrambling would be the way of every one.

Blackstone has a chapter, said the blind lawyer, "on the redress of private wrongs, by the mere act of the parties."

That would make shorter work than even an arbitration, said a bystander.

But, said the Governor, to speak seriously, though it may give a wise man indignation to see incapacity in office, which will always be the case in any government, and perhaps not more in a republic than in any other; nay I incline to think less so, which it behooves me to say, who am honoured with one, under that kind of constitution, yet I am opposed to the extreme of universal suffrage, to all the denizens of the forest, as some are pleased to style them, and which phrase may have misled this philosopher to think them capable of being denizen amongst men. But if you think the experiment worth making, let a number be collected, and go into the measure with caution and deliberation. You will see what a conflict will take place, and what a warring there will soon be——

——"Mugitusque boum,
Exaudire leones,"——

said the Latin schoolmaster.

Plase your honours, said Teague O'Regan, who was listening, a shape will be de safest baste to halter first, and try in de plough o' de commonwealth. If de pretty baste can say ba, in de congress o' de nation, dey cannot say dat it is de ass dat spake.

There may be a prettier, but there cannot be a greater beast than yourself, Teague O'Regan, said some one in the crowd; and yet we have heard of you getting an office; what is more, we see you in one, not just on the bench, as in a neighbouring state, but in an office, though executive.

It is, said the Captain, our new Governor, who opposes the innovation of giving horned cattle a vote, proposed you for congress, and would have had no objection to have seen you President of the Union.

That is not the fact, said the Governor; I did object to it, but I was overruled, and induced to let the experiment be made; but I never did approve of such extraordinary advancement; though were I to be guided by what I see here, I might not think the presumption so preposterous. How much better are many of you that are in office, than Teague O'Regan?

The visionary philosopher having taken wind, went on. Why need Cyrano de Berjerac have gone to the moon, said he, to see monkeys and baboons in the capacities of waiting men, if we had been supplied with domestics of that description here? And why limit our experiments to what may be made of men? The perfectibility of human nature, no one can doubt, who has heard the lectures of Stewart, the pedestrian, who was in this country some years ago. And why not the perfectibility of animals that are not human? I have heard a man called a calf, a sheep, a hog, a goose, and why not, one day, hear these called man? And to accomplish this, I would admit them to the elective franchise; at least all above a certain age, and who have come to the years of discretion.

Years of discretion! said the Governor. Did you ever hear of a beast coming to the years of discretion? Instinct is not common sense: for common sense is that degree of understanding, that portion of intellect, which is generally distributed to the human species. Where the capacity is any way distinguished, we call it talent; but where that portion of judgment, which enables us to judge with reasonable correctness, on common subjects, is given, we call it common sense. A man may be a scholar, a lawyer, a judge; that is, may have the reputation of a scholar, and may have the commission of a judge, and yet want common sense; by which I mean sense in common things. For knowledge of abstract rules may go some length to make a man of science; but common sense is judgment in the application of rules. It is the comparing things; and hence it is that I do not think this philosopher, though he may surpass the magii of Babylon in a knowledge of the stars, can have common sense, in urging this matter upon a young people, just beginning a new government. What would you do with a horse upon a bench; to eat hay, and dung on it; a monkey a protho-

notary, to crack nuts, and be restless; an ass to quote British precedents, and to say, my lord has said this, and my lord has said that; if indeed he could say any thing, and not rather bray what he had to say? We have dunces enough of our breed to be doing with a while yet. Why enlarge the sphere of stupidity? A pretty bar we would have of it in point of order, if elks and panthers were admitted to conduct a cause; motions for new trials in abundance. The pertinacy of the unicorn would be unsufferable.

What! said Will Watlin, a constable; have we not heard a bar called a bear-garden; interrupting one another, troublesome to the court? I should like to see a cat, and a racoon wrangle as some of these have done. The mild and the modest man has no chance. All is carried by a coup de main, which some interpret a stroke of the fist. If I am not permitted to take up my staff and apply it to knock them, as I should be warranted in doing, in case of a wild boar, or a rhinoceros, I should take them across the noddle, as I would have done many a lawyer, if the rules of court permitted it.

I am for enlarging the sphere of jurisprudence, said Harum Scarum; and the province of admission to bench or bar. Is any man afraid of the rivalship of turkey-buzzards? What can check the hospitality of letting all into the pale of our union? We shall have more to contend against the savages.

Pro aris et focis, said the Latin schoolmaster.

We shall have more to contend against the savages, continued Harum Scarum; for increase numbers in a government, and in that proportion you render them active in support of their privileges. Men that ought to think, can learn to stand upon their heads, and to run upon all fours; and why not beasts of the wood learn to think? I dislike the having all things in a common course. Nature herself has given us the variety of seasons, and revolutions of the sun and moon, and heavenly bodies, and why not in the affairs of men; and especially in their social institutions, as to representation, or exclusion?

In the mean time, about a score of young persons, by climbing up into trees to hear the debate, or to see what was going on in the centre of the meeting, were seen by the spectators,

and mistaken for oppossums that were turned into men already, by the bare proposition of advancing them to naturalization; and though this error was corrected in a short time by one of them who had fallen and brought intelligence of the cause of the ascension, and the mistake of the transformation; yet it but struck the notion deeper into the heads of the vulgar, of having accession from the quadrupeds at the next census of free inhabitants; and a man with a strong voice in particular called out that it should be so. A bull happening to roar, and a horse to neigh at the same time, it was called out that it was the voice of the people.

In the multitude of a town meeting, or even in a whole community, it requires but a few persons, stationed at convenient distances, and dispersed in due proportion, to raise a voice, and to call out in favour of a proposition, to give it currency and acceptability. Every one fearing to be in the minority, will seize the opportunity of coming round to the majority. It is "the height of ability to distinguish the times," says the Duke de Rochefaucault; and I know no proof of discernment in a republic greater than to foresee which way the current is like to set, and to sail with it: or rather, if you can influence at all, to seize occasion by the forelock, and by disposing a few frogs in a pond to roar, make it be supposed that the public opinion is in the direction you choose to have it. Shall a man value himself on predicting the weather, and not the changes of political events? At least, this is *the principle upon which the greater part of politicians act*.

The governor finding that he was like to be on the unpopular side of the question, was willing to ease away, and come under the lee of the Chief Justice, who, though but a blind man, could see farther into the nature of the occasion than his excellency. His opinion was to let the thing take its course, and in a short time the public would be convinced how impracticable it was to extend liberty, where nature meant that it should have limits. He thought it better to address himself to their feelings in point of interest, than to call in question the practicability of the project.

Philosopher, said he, there is no doubt, but there is truth in what you say; and your proposition might be carried into effect with suitable restrictions. But if we should admit the beasts to the rights of citizenship, we should have set them free as we have the negroes. The very right of suffrage would be a manumission; and it would be unreasonable to extend the privilege to such as are of feræ naturæ, and exclude tame beasts. Now if cattle of oxen, or horses become entitled to equal privileges, we could not treat them as beasts of burden, or use them for the draught; much less could we knock down a pig or shoot a deer, or take the skin off a bear; not even ride a horse, but on condition of taking turns, and letting him sometimes ride us. Who of you would be hitched in a sledge, or stand at the tongue of a wagon for a whole night, champing cut straw and rye meal, or bear the whip of the carter in the day time? Who would be ringed and yoked like a pig, to keep you from getting thro' a fence?

These observations, however ridiculous, had more effect in quelling the commotion, than any direct reasoning; because whatever crosses the thought, and gives a different direction to the imagination, has been known to be most effectual in relieving a derangement of the mind.

CHAPTER V.

THE mind of man is active, and the great secret of managing it, is to find employment for it. L'ennui, for which we have not a correspondent English word, is the feeling of a vacant mind. We had a phrase in the old Saxon, and which still exists in that dialect of it which we call broad Scotch which hits it exactly; it is to *think lang*.

O' woe, quo he, were I as free
As when I first saw this country,
How blithe and merry would I be,
And I would never *think lang*.

The mind inactive loses its spring; and it ought to be the study of all who are concerned in the early education of youth, to devise employment for them; and in communities, to find means of occupying the grown persons. This to keep the man from pursuits that are injurious to himself or to others. Where an army is not to be raised, and soldiers enlisted, the making turnpike roads, and digging canals, is an excellent substitute for this draught of the superfluity of population, and a proportion of society who have not the foresight, or perseverance to devise employment for themselves. Hence it is that they are mustered in elections by the ambitious, for their own private views, and these are they who are made use of to call out for a change of the constitution; Not that all who make use of them for this purpose, mean more than to advance themselves by the aid of the confusion which they excite. For when men are out of power, they wish the drawing of the lottery to begin again, and the prizes drawn to go for nothing. The blanks that are drawn do not give satisfaction—Not but that the common people are of themselves sufficiently disposed to novelty. A desire of a change is the characteristic of the multitude, at all times. And even if a man has no prospect of ameliorating his condition, it helps a little that it is not always the same. Though the next plank is as hard as that on which a man lies, it is pleasant to roll upon it. It is a great misfortune, when a restless spirit has a faculty of haranguing; and still more so, if he has ideas, and can get himself placed at the head of a paper. He is restrained by feelings of delicacy only in proportion as he wants terms to express himself. If one of these should happen to be of the kingdom emphatically so called, because it has been but nominally a kingdom for some ages, he brings the same licence into his paper, that he showed at the fairs of Liffy, or Tiperary, with a shamrock in his hat and a shillelah in his hand. Yet there is in the history of that people in their own country, something greatly to be valued: their hospitality, and generosity. An Irishman has no mean vices.—He is brave and open in his enmity; and sets the law at defiance, at the same time with the public opinion.

It is an old adage, an ounce of prevention, is worth a pound of cure: or, as the mock doctor of Smollet has it, Bestum est curare distemprum ante habestum.

It is but a slovenly way of reforming a man, to hang him. Some indeed have their doubts whether it is lawful to hang a man at all,

or take away life in society. Certainly nothing can justify it, but the necessitity of self-preservation. If a man has killed five hundred, and the remainder can be safe, the necessity of taking away the life of the murderer ceases; and it is unlawful to put him to death. But where a man kills one, a presumption arises that he will kill two, and it is on the principle of precavention that he is suspended, or otherwise taken from society. Banishment is unquestionably the proper mulct to him who has forfeited the benefits of society But the culprit may come back, and repeat his blows; or he may commit mischief in the place to which he is sent, or to which he may come! or another society may refuse to receive him. But the Jewish lawgiver said, "Whosoever sheddeth man's blood, by man shall his blood be shed:" but if that is to be taken strictly, hanging is no shedding blood; and yet the murderer is hung, not beheaded.

The meaning is predictive; and as much as to say, that in the natural course of things, the taking the life of a man, leads to the loss of a man's own. But taking it even as injunctive, and as pointing out that punishment which retributary justice ought to inflict, it must be taken as applicable to the Jews in the wilderness, whose unsettled life did not admit of places of confinement sufficiently safe to secure offenders. While they were journeying from Kadesh Barnea to Cushanrishatharim, they must be at a loss what to do with the malefactor; and therefore it saved trouble to despatch him from the world. In a country where the sitting is permanent, to borrow a phrase from the French national assembly, and where strong buildings can be erected like the old or new jail of Philadelphia, what necessity can there be to put a man out of the world? He can be put to work, and to make some amends to the community for the life he has taken away, and the expense of bringing him to punishment. As for himself, is he not more punished by solitude, or labour, than by the infliction of death? It does not follow, that if left to a man's self, he would prefer confinement to death, that for this reason, the punishment is lighter He has not resolution to consult future happiness, by the enduring present pain. But if it is left to a man to consider whether he would wish to have his enemy confined, or to undergo instant death, wouldhe be willing that his adversary should escape vengeance by getting speedily out of the world? It might be a satisfaction to him that the murderer should go to hell; but he is not sure that he would go

there; and when he has him in a work-house, he is sure that he must work. Besides who can be of so diabolical a nature, as to be reconciled even to a murderer going to hell; and why not allow him space and opportunity to repent, as much as the short life of man will allow, in a cell of confinement with nothing but bread and water, at least until he gives signs of repentance? Be this as it may, from all the examination I have been able to give my own mind, I would think a man more punished who had murdered, to see him in a cell than on a gallows; what I would think if I had been murdered myself, supposing me still to have the feelings of humanity in another state, is a different question. I might wish to have my adversary with me there; in order to retaliate, and to have the gratification of retributary vengeance. Unquestionably it must be a feeling of this nature, and a putting one's self in the place of a murdered person, that can lead to an idea that it is but justice to the dead, that the murderer should die. It is but an innovation in the common law of our ancestors, the Saxons, to put to death, when a compensation could be made to the public, and to the relations of the deceased for the injury done, in taking away the life of an individual.

It seems to be a dictate of nature; for the early ages of man in all countries, sanctions this mode of atoning for injuries, not excepting murder itself. Where there was a community of goods, compensation could not be made in this way, and confinement and hard labour would be the only punishment.

But, be this as it may, if life must go for life, I dislike the mode of taking it. The sus. per col. is an ugly minute on the docket. I do not know that they could have done better before the invention of gun powder; for beheading is not much better; if not rather more shocking, from the mutilation of the body.—I would prefer shooting; at least if I were to die myself by order of the law, that would be my choice; and through the breast rather than the head, for I would not chuse to have the human countenance disfigured. I saw once four deserters shot, sitting on their coffins, and their graves dug beside them, and yet with these terrific circumstances, I thought them killed prettily in comparison of being put to death by the halter.—The guillotine is too appalling on account of the apparatus.—My mode of death, were it left to my choice, I mean death for

ced, would be to fall by a pistol shot by the hand of a mild compassionate female, drest in white muslin, who would have fortitude to be unmoved; because, in that case, death would be presented with as little terror as the nature of the case would admit. "To paint death as we do, is an injustice," says the duc de Ligne. "We should present it in the shape of a tall, venerable, mild and serene matron with traces of beauty left on her countenance, and her arms opened gracefully to receive us. This is an emblem of an eternal repose after a sad life, replete with anxieties and storms."

I will admit, that the sudden impression, the theatrical effect, so to speak, of a public execution, is calculated to strike the multitude; but it is passing, and as to the deterring from the commission of crimes, no punishment can have any great effect. All depends upon the ways and means of preventing; caution a priore, is the most effectual. I have weighed a good deal in my mind, the speeches of Julius Cæsar and Cato in the Roman Senate, on the sentence to be passed on the conspirators, the associates of Cataline. That of Cato prevailed, which was for putting them to death; and with good reason, on that occasion, which was in the midst of an insurrection, and when a confidence in the power of government was to be expressed, and the audacious intimidated, showing them what those who had the administration dared to do, against those who had so many of the populace on their side; and because also, in those perturbed times, there was no secure keeping them; they might have got out of custody in a short time, and have gone to increase the numbers of the traitors. Self preservation, in this case, necessity, dictated the putting out of life; yet it is remarkable, with what delicacy the Roman consul expresses the event, walking down to the Forum after their execution: "Vixeunt," they have lived. The Greeks also, in their mode of expressing the last offices, speak of having accompanied the departed a little way on their journey. "Odou emarmenen," the appointed journey. What an impression must we have of the manners of those times, when torture preceded death; and death itself, was accompanied with all the horror of circumstances? May not the time come, when the putting to death

at all, unless in extreme cases, such as those alluded to, will be felt as the proof of an uncivilized state of society; and a remnant of barbarity still retained by the prejudices of the vulgar?

CHAPTER VI.

THE visionary philosopher had not yet abandoned his project of civilizing the brute creation, and teaching them the arts and sciences. He had caught a young panther, and, with a chain about its neck, had put it to study law with a young man of that profession, who wishing to get forward in the business, thought it could do him no harm, though it might not do the panther much good to undertake the task. But there were those who bore testimony against this, being of opinion that lawyers were bad enough, even when made of the best materials.—This idea was supported by some sensible men, who could not conceive that this animal of the cat kind could ever be brought to be capable of explaining a matter to a jury, or stating a point of law to the court.

The visionary philosopher taking fire at this opposition to his dicovery, invention, or improvement, or what else it might be called, exclaimed abundantly.—What is it said he, whether he may be ever able to explain himself intelligibly at the bar? Cannot he grin, bite——— * * * * * * * * *

[There would seem here to be an hiatus in the manuscript, or the sheets misplaced. The editor cannot connect the narrative.]

It had come to the knowledge of the people, or, at least, was projected in the mean time, that after the proclamation for scalps, and the hunt which took place in consequence of it, the governor had been guilty of the most manifest partiality in screening the bog-trotter, who was as much liable as any person, no one having been more noisy in beer-houses, and active at town meetings, to bring about a convention, than he had been with the exception of Thady O'Conner, who had taken the benefit of the insolvent act; and a few others who had been refused tavern licences at the sessions. It was thought to be a ground of impeachment to connive at the secreting any one on such occasion.

The fact was, the governor was as innocent of the charge as any

one among themselves, and so he declared to them; that for a considerable time past, he had ceased to have a controul over the bog-trotter; that like Noctra Mullin's dog, he had been at his own hand these six weeks; that is, since he got in to be constable.

The affair was like to take a very serious turn, and the people would not be satisfied: when Angus M'Donald, the Scotch gardener, having knocked down the panther that was studying law, and taken off a piece of his hide, came forward with it, saying it was little matter what had been done with Teague on the occasion alluded to, since he had put the law in force against him just now, and scalped him himself, as they might see by the red hair, and the blood. There is nothing sooner softens a passion, or calms a mad multitude, than the yielding to it. Hence the fury abated in a moment; and when it occurred to them that their remonstrance to the governor had been the occasion of the tragedy, they began to blame themselves as having been too precipitate in their representations.

The difficulty now occurred, what to do with the bog-trotter. For it would not be safe that he should remain in the government, and that it should be visible that the scalping had been but a substitution, and not the genuine exuviae of the man. Harum Scarum was of opinion that it was best to knock him down in reality, and take his scalp to the people, laying the deception at the door of the Scotchman, as it really ought. The governor was opposed to that, as it was to save him from an impeachment that Angus, with great presence of mind, had bethought himself of the stratagem, to divert the fury of the populace.

But the visionary philosopher, in the mean time, enraged at the murder of his crony panther, and the lawyer with whom he was studying, dissatisfied, or seeming to be so, the circumstance was explained to the people. But they thought enough had been done for once, and that it was not neccessary to pursue the matter farther. In fact, some of them were in the secret, and meant only pastime from the beginning.

However, thinking it might not be amiss to be out of the way for a while, the bog-trotter was sent over the hill to dig potatoes, at the farm of Niel M'Mullin, a neighbouring gentleman.

CHAPTER VII.

It may be thought that in my allusions to impeachment, I may have in view what has happened in this state. It is probable, or rather certain, that it is this which has led me to think upon the subject, and to introduce it in a picture of democratic government, such as that I am now describing. But if it is infered from thence, that I approve or condemn what has taken place in this state, it will be unfair; or at least a misconception. For I do mean that any inferences, favourable or unfavourable, should be made from it. On the contrary, I am far from reprobating the *power of impeachment in the constitution*, or finding fault with a discreet use of it in *practice*. I look upon it, as the means of avoiding tumults, and assassinations. When dissatisfaction with the conduct of public officers, is suffered to show itself, and to have a vent in this way, the public mind, having an opportunity of hearing grievances discussed, and getting to know the real demerit, good or bad of the functionary, is more likely to be satisfied, and it is safer for the object of the obloquy. Nor, on examination, will it be found, that in many cases, where there is a public dissatisfaction with an officer, there has not been some foundation laid; if not in the very particular that is made the subject of enquiry, yet in some other that has led to it. As for instance; even in the case of Scipio Africanus, where, perhaps, a just cause has been the least suspected to have existed of all instances of a great man impeached, that are to be found in history. Yet if any one will read Livy attentively, in his account of the way in which this young man came forward into public life, he may anticipate the vexations he experienced after he had accomplished great things for the commonwealth. His error was, a premature competition for office. Before the age allowed by law, he set up for the Edile-ship, and carried it by the undue favour of the populace. "Si me, omnes Quirites edilem facere volunt, *satis annorum habeo*." How arrogant the expression; how insulting to the tribunes and Fabius Maximus, and others of the senate who opposed it? His offering himself for proconsulate in Spain before his 24th year "quatuor et viginti annos ferme natus, professus se petere," was more excusable from the occasion.

But it was in some degree by an affectation of religion and arts of dissimulation, that he had prepared the public mind, to favour his premature pretentions. From the time that he had put on the toga virilis. to this, he had been preparing the minds of the people. There was no day, before he did any thing private or public, but that he went into the capital, and entering a temple, sat down, and for the most part alone, in secret, and spent there some time. This custom, which was preserved through his whole life, whether designedly, or that it so happened, procured credit to the opinion published by some, that he was a man of a divine stock, and brought up the story before common, of Alexander the Great, and equal to it, in fable and variety, that he had been conceived of a huge dragon, which had been seen in the bed with his mother; and which tale he increased by the art of neither contradicting nor assenting.

On his return from Spain, after the expiration of his proconsulate, he was willing to have accepted a triumph, though to that day, there had been no instance of any one triumphing, for whatever successes, unless he had had the command in chief; or, as the historian expresses it, qui sine magistratu res gessisset. It is true. it is said that "the hope of a triumph was rather tried than obstinately persisted in." But it shows a too great forwardnes to catch at honours. But the inordinate nature of his ambition was more evident on his obtaining the consulship, He grasped at Africa for his province, though not according to his lot, "nulla jam modica gloria contentus." And this he said openly, he would carry by the people, even if the senate set themselves against it. He made his words good, and the senate, with all the authority and reputation of Fabius Maximus, venerable from age and wisdom, and others aged likewise and experienced, were bullied by the tribunes and people into an acquiescence.

I cannot help considering his conduct in procuring the province of Africa for his brother Lucius, having Lælius for his colleague in the consulship, who equally was ambitious of that designation, as extremely indelicate in throwing his weight into the scale, in the deliberation of the senate between the two, by offering to serve under his brother as his lieutenant; if they would prefer his brother By this means, and by his previous advice to his brother in submitting the matter to the senate, rather than to the chance of a lot, and thus having it in his mind to use the address of offering his services in a subordinate capacity, which was, in fact, obtaining the

command for himself, he fixed in the minds of the principal men much chagrin and dislike. And deservedly; for ambition is self-love; and when it is at the expense of others, it is odious. Every man in a community has what may be ranked among the imperfect rights in society, a right to have his age considered, in pretention to office; and not to be intruded upon by the coming generation before its time; much less to have power engrossed even by virtue itself, or the most distinguished ability. For the keeping the flame of public spirit burning, is the vital principle of republican government, to which there is nothing more smothering than inequality in the chance of obtaining offices, honours, and emoluments. And if the next generation come on too soon, the seniors are pressed out, and lose their chance. Nor is it only by the younger intruding that this equality is effected, but the usurping by those of any age, of what is not equal.—And I call it usurpation, where any thing is obtained; what is more, where any thing is even taken, that reasonably ought to go to another, in consideration of standing, ability, or services. If these are obtained by popular favour, unduly coveted, what reason has the candidate to complain, or good men to regret, if the same caprice that has advanced, should, notwithstanding unimpeachable conduct, nevertheless impeach? We shall see that this was the case with Scipio.

He was impeached by the tribunes of the people on a charge of peculation, and converting the public money to his own use, in which there was no truth; but in the remainder of the charge there was truth; "that he had pushed himself forward to foreign nations in a manner as if peace and war with the Roman people depended upon him alone: That he had gone out as a dictator to his brother, rather than as a lieutenant; and for no other purpose, but that he might show himself, and have it believed in the east, as he accomplished in the west, that he should seem the head and the pillar of the Roman empire: That a state, the mistress of the world, should seem to be under the shade of his power: That his nod stood in place of the decrees of the senate, or the orders of the people."

The charge of peculation he could easily answer; but these things he could not answer; nor was there any thing so definite in them, that strictly speaking, they could be made the ground of an impeachment; but it was easy to see by reason

of them, the alledged offence would be established, and which alone could come within the laws. He chose to withdraw from the trial, and go into banishment.

If, in like manner, impeachments that have brought a reproach upon republics were examined, it might be found, that in the greater part of them, bating sudden errors, and *mistakes incident to all human affairs*, there would be found, though not the best foundation for the particular charge alleged, and the sentence pronounced, yet remotely something blameable, which had led to the making the charge in question.

But even taking it as matters seem to be on the surface of things, the wrongs of democracy, and injustice of public characters, will be found to fall short of those under lurid despotism. For a view of this let the history of the Roman empire, by Livy, be compared with that of the same people under the emperors, as we have it by the divine pen of Tacitus. There is no one who will consult the nature of things, or look into what has taken place in popular governments, but will think that there is greater chance for justice to an honest man, than where this depends upon the caprice of an individual. For it is not the despot himself that is alone to be dreaded; it is those he has about him, and will allege words spoken of him, or acts done against his government; when, in fact, it is their own resentment, for something done, or said, or omitted to be done, or said, which they wish to gratify.

A despotic government is safer for a dishonest man, and he has the best chance of coming forward there, where it is not ability or integrity that recommends, but subserviency to the passions of the prince.

But it is the rage of *mere* democracy that has brought reproach upon republics; democratic power unbalanced, is but the depotism of many instead of one. It is the balancing with stays and braces of distributed powers that gives safety. This distribution of power is the highest effort of the mind, and yet you will find but few, who, like my bog-trotter, will not conceive that they could form a constitution that would give energy and guard liberty. It is this false idea, overweaning conceit, that I have it in view to ridicule. I am willing to give it the

whole force of my indignation, in proportion as I know the error, and the consequences. Let any man look at a book published in this state, under the specious title of "Experience the test of government," and see the crude conceptions that it contains; I do not know by whom written, and he will be sensible of the consequences of putting the modelling of a constitution into such hands. "I am not afraid of the people of Pennsylvania," said a pompous orator to me. The fact was he had nothing to be afraid of, unless they would take his scalp. Nor am I afraid of them on my own account; but on theirs; at least I am afraid on their account, as well as my own. For the formation of a government, is not a matter to which the bulk are competent: or if they will indulge caprice in changing, and they will go to change; whenever a change is made, it will be but a majority that is satisfied, and perhaps that not great;—and it is to be expected that a portion of the majority, not finding their account in the change, will associate with the former minority. and hence a change, and so toties quoties, until only one remains that is to be satisfied.

It will be said impeachment is of no use; the constitution being such, that a conviction cannot follow; it requiring such a proportion of the tribunal, before whom the impeachment comes to trial, to be of a mind. Is it nothing even in the case of an acquittal, to be scared half to death? Even on a representation of the people, and a citation before a committee of the house of representatives, one may as well be half hanged, as to undergo the terror.

Can any one, looking at the quarter sessions, think that there is no good by trying, even where there is no condemnation? I have known many a man tried, that I thought guilty in the letter of the law, and perhaps in spirit, but if acquitted by the exclusion of testimony not legal, or the leaning of the jury on the side of himself, or otherwise, I did not think there was nothing in the having brought to trial, and shaken the prisoner well over the indictment, or rather the indictment over him. He might reform, and it would be a warning to him.

It is possible, that something like oppression and tyranny, or bordering on these, both to people and bar, may have been

complained of in judges with some cause in times past. Is it to be supposed that what *has* taken place, has contributed no thing to arrest, or remove this grievance? Would not the oppression and tyranny seem to have veered to the other side now, and to be found, in some degree, if not with the people, at least *with the bar*. It has seemed to me to be so, and it is therefore, but an emanation of my feelings when I pourtray in my imagination the disorder of untamed animals admitted to be advocates. It is doubtless a caricatura of what I mean, but a thing has usually some access in it, to be felt as the proper subject of a caricatura. While the lawyer has it in his power to influence his client; and even to excuse his own ignorance or errors, by the loss of a cause upon a judge, or alleging oppression, the client can apply to a house of representatives, and the judge, of course, be brought down with facility, the presumption is, that he will bear a great deal of impertinence, impudence, and irregularity, before he will think it adviseable to endanger the running the gauntlet, by entering into a contest with a powerful member of the bar. I do not mean powerful in point of talents; for there is nothing to be apprehended from men of ability; it is from the uninformed that the difficulty arises; and insults are received from them, because it is the instinct of their natures, to cover their defects by noise and arrogance; or, from a want of knowledge, they think themselves monstrously wronged, when they have the fairest hearing, and the fullest justice.

The suitors of the court, the jurors, the circumstantes, or bystanders, complain of the length of speech in the lawyers, and of the judges for suffering them. There was a time when the judges might have taken some liberty in restraining, or at least in frowning on diffusiveness of explanation; but more caution must be used now, lest offence should be given; judges being more under the weather than formerly. A prudent man in a judicial station, will bear for the present, what he will not always bear; because he will discern that this is not the time to make head; but that after some time, the current may begin to set in a different direction; and that may then succeed which now would but strengthen the tide. Besides, it is difficult to say when the speech is too long; and it may be a ques-

tion whether the court ought to be suffered to judge of that.—The constitution provides that a man shall be heard "by himself or his counsel;" but it does not say how long he shall be heard. Admit the court may have a right to say, that the speech has been long enough as to them, have they a right to say that it has been long enough for the jury. How can they tell whether the jury are satisfied? What is more; is it the court or jury that have the right to say, that they have heard enough? Or, is it the suitor or his counsel, who have a right to say, we have not been sufficiently heard? *Tyranny and oppression*, in refusing to hear, may be charged; and thus it is a matter that must depend a good deal upon the temper of the times, and upon a discreet discernment of what is practicable, on particular occasions, or with particular persons, that a judge must determine what to do. A man of sense at the bar, is easily manageable; but a weak man is as difficult to manage, as the visionary philosopher's panther.

Do our representatives in our legislative bodies, always confine themselves to the point, though they may to the question? In other words, is it possible to keep them to order, though it may be to call them? Is it found possible to abridge their harangues while breath and strength of lungs last? If those whose business is not speaking can find such can find such facility in prolonging a discourse, what may not be expected of such as are more in the habit; and without fatiguing themselves, can speak interminably? Were our orators in the legislative bodies as much in the hearing of the people, as the advocates of our courts, they might be complained of as much for the length of their speeches. In the courts, it is no uncommon thing for the judges to express a weariness of the tediousness of counsel; and sometimes to attempt to bring them to the point, and to abridge their harangues; but it will seldom, if ever, be found to answer any end but to prolong the discussion; for if you restrain at one point, there will be an overflowing at another;—and it being like to come to an altercation, which is indecent, it will seem best to give up the contest, and let the thing take its course. The line is so delicate between unseasonable interruption by the court in calling to the point, and what is justifiable, that it is difficult to fix it without doing injustice, and impossi-

ble without giving dissatisfaction. In human affairs, there is no reaching the perfect in the application of principle. All that can be done is to come as near it as possible, by a just discernment of circumstances. What is done, may be blamed; but there might be more blame, had the contrary been done.

CHAPTER VIII.

CONSIDERATIONS ON THE POWER OF IMPEACHMENT

Continued.

THE power of impeachment, is the most salutary principle of a free government. Where there is a full scope for this, there is no danger of convulsions: and there is a prospect that the constitution may be preserved, Injustice may be done: no doubt of that, and injustice, a thousand times, has been done. But it is the fortune de guerre; the fate of war; in other words, a tacit condition of the acceptance of an office. It is a maxim of law, qui sentit commodum sentire debet et onus. A good book might be written on the history of impeachments. It would be instructive, and might be entertaining.

I would like to see the sentiment I have broached, fully developed; and the history of impeached characters so far traced, as to see whether some conduct in a public capacity, or in the ways and means of getting a public office, or appointment, had not laid the foundation of the ultimate prosecution. The presumption is, that the shoe must have pinched somewhere, to have produced that uneasiness which has been felt; and which has terminated in a public accusation. And in some particular, perhaps, in which the individual may have deserved commendation rather than blame; but upon which it has been thought the more practicable to succeed, taking into view the prejudices of the times. Such an investigation of causes and effects, might save the character of democratic governments from such blame. I admit it would not perfectly justify the

impeaching for one cause, while another was more in the minds of the public; but it would account for it, and excuse it. One is less shocked at the imprisonment and fine of Miltiades, when we recollect his demand of *an olive crown* after the battle of Marathon. It was answered to him, "when you shall conquer alone, it will be time enough to ask to have honors paid you alone." It may easily be seen, from his coveting this distinction, that his ambition was not sufficiently regulated; and it may be inferred, that the like spirit, exhibited in other instances, may have given just offence to a people jealous of equality.

I have known a man in office, whose sordid mind in money matters, appeared to me to render him undeserving of an office; and though this could not render him liable to an impeachment; yet, if he were impeached for something bordering on what was impeachable, there would be a predisposition to be reconciled to his being found guilty. For no man deserves an office in a republic, that is mean in money matters, and is justly chargeable with a sordid economy.

Inordinate self-love in the accumulation of office, in a single family, is at all times obnoxious to popular dislike; and the most upright discharge of a public function, will not atone for the engrossing money in one's own person, or that of connections.

One consideration ought to go a great way in reconciling the public mind, in a popular government, to the bearing these things when they occur, that nature is constantly acting to remove the grievance by death, and in this way to bring about rotation in office. Combinations will be broken by the quiet operation of this general law; pluralities will disappear; and the poor devil that is disgracing himself by a nearness that is contemptible, cannot always live to enjoy, if he may be ever said to enjoy the savings of his penury. In the mean time, it is a satisfaction, that if the general contempt is not felt by him, it is felt by every one else.

Where a man is liberal in his private dealings, and contributes to objects of utility, according to his means, he is though to be deserving of office, and his generosity and public spirit, like charity, will cover a multitude of sins. It is rare that such a character becomes the subject of popular persecution. Where

indeed his liberality is but the stilt of his ambition; and this is indulged so as to wound the self-love of others; we need not wonder if it draws persecution. The most manly thing I know in the history of the Roman senate, is the impeaching Manlius Capitolinus. Generosity and public spirit on his part had showed itself to be but the stilt of ambition. That is, it was not public spirit, but inordinate self-love. He had saved Rome in defending the capitol; but he was not satisfied with the consciousness of this, and the gratitude of his country on all occasions expressed; but he must be the only man of any name in the state. With a view to this, what were his arts? Affecting to be the advocate of all confined for debt; paying debts himself for some, with ostentation; showing his wounds and scars, and perpetually talking of defending the capitol; haranguing against the senate, and charging them with concealing the public treasures; remonstrating with the community on their not knowing their own strength, and doing themselves justice in the government. From these arts, such was his influence with the body of the people, that even the dictator, Cornelius Cassus, the second after Romulus, who had taken the *spolia opima;* and who was created dictator for this purpose, amongst others, of checking the sedition, dreaded it more than the war against the Volsci, which he was obliged first to meet. For though returning victorious over the enemy, and armed with the honour of a triumph, yet he considered the contest at home as the more formidable; and though he had ordered him into custody; yet had not thought it advisable to proceed farther against him. It was thought that his abdicating the dictatorate, which he did at this time, was owing to his not choosing to meet the tempest that was breaking out on behalf of this demagogue to liberate him from the prison. The consuls now chosen and the senate, were in consternation, when, at the proposition of the two tribunes of the people, Marcus Mœnius, and Quintus publius, the bold measure was adopted of charging him before the people themselves, and bringing him to an *impeachment.* The result was, that the very people rallying onward to support him, were arrested in a moment at the idea of guilt charged upon him, and themselves made the judges. What was the charge? Why simply that of attempting to destroy the

balance of government, by inflaming the populace and running down the senate. Yet strange as it may seem, this very populace, who were alleged to be the subject of his arts, and the means of his treason, on a fair examination, found him guilty; and in order to stamp his conduct with perpetual disgrace, it was provided, that no one of the family of Manlius, should ever bear the name of Marcus, which was his name. He was thrown from the Tarpeian rock like the vilest of criminals.

CHAPTER IX.

THE visionary philosopher having put himself at the head of an institution for teaching beasts, had collected sundry of what he considered the most docile animals. He had in his academy, as it might be called, under scholastic discipline, a baboon, a pet squirrel, a young bear, and half a dozen of pigs, &c. &c. The squirrel, as in the case of young masters, with the sons of rich people, he encouraged or coaxed, to get his task by giving him nuts to crack; and the pigs, by giving them rinds of pompions, or parings of apples; the bear and the baboon in like manner, by something in their way; and so with all the others. Some he intimidated by the ferule and the birch. He was instructing them according to the Lancasterian mode, or method, to make marks on sand, and to write before they began to read.

Things were going on very well, to all appearance, and to the satisfaction of the tutor, when a catastrophe, which now took place, brought the matter to a conclusion. It was not from the lady who had brought the pet squirrel to be taught, though she had expressed some impatience at the favourite not making a more rapid progress, because she was sure it had genius. But she had forbidden the professor to use the rod; and what ground could she have to expect a close application, and a quickness of perception without a stimulus to the mind, by the feelings of the body? However, it was not from the lady aking away her scholar, or that of any of the other employ-

ers and subscribers withdrawing their rabbits, or other students, but from that wicked fellow, Will Watlin, followed by Harum Scarum with a switch, who, breaking into the *menagerie*, exclaimed to the professor, or principal; it is not of much consequence now which he is called:——What, said he to the master of the hall, is it in imitation of your pupils, that you are in your bare buff? Sans culottes, have you nothing to cover your nakedness? Had you put yourselves in your sherryvallies, or overalls, there would have been some decency—Every thing is French now-a-days. Is it French that you are teaching these to speak, or write? I see a baboon there; Louis, I suppose, is his name. He will learn French fast enough, if that is all you have put upon his hands. He was a Frenchman as far back as Arbuthnot. The squirrel may chatter something, and it may sound to us like French. Do you mean to make the bear a parlez vous? No wonder that the two John Bulls, senior and junior, the old and the New England, should talk of *French influence*. Do you expect your pigs will be made officers under Bonaparte, interpreters, perhaps? I would have you know that we have too much French amongst us already. If the French should come over to us in an oyster-shell; for I do not see what else they have to come over in; and this they could not do unless, like Scotch witches, there might be some use in currying favour with Napoleon.

But is the discipline of your school correct, even if there was something to be taught that would be of use in science, in agriculture, or in commerce? Do you instruct them in history or good breeding; to keep their persons clean, to pare their nails, and shave their beards those of them that are grown gentlemen? That fellow there the racoon, does not appear to me to have had his beard shaved these two weeks. It is true, I do not see any of them with a cigar in his teeth, like the American monkies and oppossums, the greater part of them of a bad family education; and so farewell. But that mongrel between the terrier and the pointer breed, with a collar on his neck, may be said to have a collar without a shirt to it. I am tired of these remarks; away with you, away.

With that Will Watlin drawing his wattle, and Harum Scarum using his switch, they began to lay about them. The monkey leaped, the pigs squealed, the squirrel chattered and ran into his cage, the bear growled, the pointer howled, &c. &c. &c. The education was thus interrupted, and the institution broken up.

CHAPTER X.

THE bog-trotter complaining of neglect, alleging his services at the original establishment of the government in *trailing a pine log*, and thereby intimidating the populace at his coming to the settlement, the governor was constrained to give him an office; and selecting one for which he thought he might be, in some respects, qualified, he made him an *auctioneer*. It could not be said that he had not a pretty strong voice; and in knocking down an article with his mallet, "*once, twice, three times,*" with the assistance of a clerk, the sales were pretty rapidly effected. Occasionally he made a blunder, as knocking down a frying pan, and at another time a brass kettle, he run too long, because the sound pleased him. He alleged that a hive of bees had swarmed, and he was ringing to get them to cluster. All agreed that he made a pretty good vendue master; but still he was not satisfied; and an ambassador being about to be appointed to the Barbary powers, he was willing to go to Algiers, Tunis, or Tripoli. His friends favoured his pretension, Thady O'Connor, and some others, who had an expectation of accompanying him; Thady as secretary, and others in different offices. The governor resisted the application on the ground that one office was enough at a time. His resignation even would not justify it; because it would look as if there was a *penury of men of talents*, when it behooved to take one from his duty, as if another person could not be found who was as well qualified. The junto, and Teague himself, spoke of the appointment of John Jay to the court of London, while he was chief justice, not resigning; and of Ellsworth, also a chief justice, in

a similar situation; and of Albert Gallatin, who was secretary and continuing such; yet maugre all the clamour, and even good grounds, as Jefferson and Madison, and others, thought he, the said Albert, was appointed by the said Madison to an embassy.

These things were all wrong, said the Governor. I do not mean the finding fault, but the doing that with which the fault was found.

Could Washington do wrong? said a stickler on the side of the bog-trotter. Yes, said the Governor, and Adams too.—These were the bad *precedents* that Madison followed. I shall not copy after; not questioning but that these treaty making people might be very capable, or perhaps the most capable; but were they the only persons to be found that were adequate to the task? I will not say but that my bog-trotter might make a very good ambassador, with instructions and the advantage of a secretary; but is Teague O'Regan alone, in all the land, to be singled out for this trust? After searching the whole country from Dan to Beer-Sheba, can I find no other that can sustain the weight of this negociation? If I do appoint him, he must resign his place as auctioneer; and does he know that the Algerines are Turks? And if he goes there, I mean to the Barbary coast, he must be circumcised, and loose——

Loose what? said Thady O'Connor.

I will not say what, said the Governor; but you may guess.

There is more effect in a hint, than when the story is spoken out; and therefore Thady, and the auctioneer also, their imagination outrunning their judgment, and their fears their ambition, concluded it would be best to stick to the hammer, and for Teague to remain crier of vendues, and Thady O'Connor clerk.

FRAGMENTS.

WHAT is the reason that there is usually more talent in a new settlement than in an old? Is it the fact? That would lead to a discussion of some delicacy, in our republic, and induce comparison, which, according to the proverb, *is odious*. But there is doubtless some ground for the assertion, that our best generals and ablest orators in congress, have come from the west or been of the new states. As to generals, Harrison, Brown and Jackson might be mentioned. As to orators, we have had Patrick Henry, of a frontier in Virginia; and I might mention one of my own name of Kentucky, though he spelt it Breckenridge as my father did; but thinking him wrong I altered it, because I found the bulk of the same stock spelt it so; and particularly doctor Brackenridge of the philosophical society in London. Clay, Crawford, &c. of the congress in later times, are examples. But supposing it the fact, can I assign the cause? It is sometimes *accident*. Sallust, in his Introduction to the Bellum Catalinarium, asks, How came it that the Roman state rose to such eminence, the Greeks being before it in arts, and the Gauls in valour? Reflecting on the subject, he resolves it into the circumstance of a few *great men having arisen in it*.

Nevertheless, though it may be sometimes a matter of casualty, yet it would seem to me that it cannot well be otherwise; but that in new countries the human genius will receive a spring which it cannot have in the old. But the cause lies deeper; and in this, that the strongest minds, and the most enterprising, go there. They are thrown upon the vigour of their own intellect. Why is it that subterranean fire bursts from the earth, but because it has an energy that breaks through obstructions, and ascends to a higher element? The plodding cub stays at home, while the more active tatterdemalion, quits his paternal roof, and goes to build a cabin, and make a new roof for himself, in the wild woods of Tennessee, or elsewhere. The same elasticity and spirit of mind which brought him there, gives him dis-

tinction where he is. The independence of his situation contributes to this; fettered by no obligation, and kept down by superiority of standing. Why is it in the arts, that an age of great men cannot but be succeeded by an inferiority of powers? This holds true in poetry, which is the province of the imagination. Why did the slaves, on a certain occasion, defy the swords of their masters, but yielded to their whips? It was owing to the subjugation of habit. People accustomed to feel superiority in a certain way, are discouraged in their efforts.

The streams of a new country are more abuddant, and the springs burst more plentifully. This is owing to the shades which hang over them; which not only render their margins and fountain heads more pleasing, but serve to protect from the exhaling heat, and conciliate dews, and the moisture of the clouds. Hence it is, that it is greatly blameable to cut down the trees about a spring head; or, if it can be dispensed with, the grove on the hill above. For these wonderfully contribute to preserve the abundance of the current, and the perennial flow. It is for this reason I was delighted with the cascades of a new country, tumbling over rocks; because when one thinks of bathing, there are mossy banks to strip upon, and deep shades to embower and conceal from the nymphs. For one is not afraid of any one else there, unless, perhaps, a young girl looking after cows, who would not much mind it, being used to see people without much covering to their carcases, nor much caring whether they have any. For it is in cities and the abodes of luxury and false taste, where we depart most from the simplicity of Eve in Paradise, who

"Clouted Adam's grey breeks,"

or pantaloons, when he had a pair.

I feel the grandeur of these water falls, and at the same time have a sense of the salubrity of the immersion. For I take the application of cold water to the body in hot seasons, to be not only pleasant, but wonderfully medical. The effusion of cold water removes heat, and, by the direct action which we call a shock, braces the system.

CHAPTER XI.

I HAVE often thought, that if a President of the United States in our time, had a Jewish Prophet to denounce to the people their *political transgressions*; that is to say, the swerving from the true faith, in other words, his *own party*; how much more secure his standing would be! How much less vexed by the calumny of editors, and paragraphs in gazettes! Among the Britons, the aborigines, or early inhabitants, the druids, did not denounce much; but what they lacked in speaking, they paid away in acting; and a disturber of the government being pointed out by these, it was not long before he was in an *ozier creel*; the Simulacra contexta viminibus, and his breath extinguished by the flame.

Would it not have been possible for president Madison, for the $ 50,000 paid to Henry, to have secured as many of the New England clergy in his favour, as would have made them act as druidical priests in support of his administration? I cannot say I would wish to see the *wicker basket* introduced; but I was thinking of the effect of the practicability of establishing something that would be in lieu of it; that is, *the influence* of the priesthood, but not in the same way. Pulpit denunciations have a prodigious effect to the eastward. It is no wonder that the religious functionaries of that part of the union have made a noise both before and since the war. If they really believed, and it is possible they did, that Bonaparte had transmitted several tons of *French crowns* to the United States: finding that none of them *came their way*, what wonder if they became dissentients to the war? Madison should have made a point of securing at least a majority of these Congregationalists. It was upon this rock the witches split, in not having secured *Cotton Mather*, when they made their descent upon New England.—The consequence was that an uproar was raised against them; and they were hanged and drowned, till the people began to be satisfied that there was not a witch left; and for a plain reason, because *there never had been one*. If the people were not satisfied at this, yet certain it is they ought to have been—so

saith the writer of this book. But I will not take a Bible oath upon it, that there are not John Bulls in that quarter, as true as ever crossed the ocean, and were imported to this counntry.

Take the individual man, and how difficult it is to form him. Between the boy and the man it is the most difficult to govern him: from the time that the voice begins to break the *treble* of the *puerile* age to the *counter* of that of manhood. Here we have to do with the *confidence* of feeling some power of mind, and the *insolence* of *inexperience*. It is the same with men in a state of society. A constitution has been framed; it is impossible to convince them that they cannot make a better. The young, as they grow up, despise what has gone before them. They are sanguine of temperament, and take it for granted that the world has never seen such creatures as they are before. That, whatever errors others have committed, in the like situation, they will have the judgment to avoid. It is not till by disappointment, and the vexation attendant upon it, that they can be brought to know themselves. and to rate their natural talents, and their discretion at a lower estimate. A man must be forty years of age, said lord treasurer Burleigh, before he begins to suspect that he is a fool, and fifty before he knows it. It is on the same principle that an individual must have lived a long time in a republic before he can be a republican. Some have gone so far as to say, he must have been born and brought up under a republican government, to have the habits and way of thinking of a republican. Rollin, I think it is who says, he must at least have lived fifty years before he is fit to be trusted with affairs.

There is more in age as a qualification for the right of suffrage, or the right of delegation, than in that of property, REAL or PERSONAL. The longevity of our republic will depend upon there being an amendment of this nature. Young cocks should never be heard to crow in the senate house, or young whelps to bark. It is true, the Scripture says, "*Bray a fool in* a mortar and he will not be wise." All length of time, and all experi-

ence of consequences from his own errors, will not correct. But he must be a fool indeed, an idiot, that will not derive some advantage from what he has seen and suffered. When a member has made a speech in a deliberative body, of some hours continuance, and finds that he *grows no taller* in reputation, and which he will in *due time* discover, he will not be unwilling to abridge his ventriloquy on other occasions: for I call it ventriloquy, it deserves no better name. There were two Raneys here, some years ago, *ventriloquists*. If we had them in congress to imitate jay-birds, and amuse the members, till a decent time had passed to let the question be put, it might be an improvement; I say a decent time, because appearances would be saved, and as *we on the bench* have an advisari vult sometimes, out of courtesy to the counsel, as if the argument on the wrong side had nevertheless puzzled us, so civility to adversaries is not altogether lost, by affecting to think the matter not just as plain as a pikestaff: you may conciliate, and gain attention, when you are wrong yourselves, that is, *when they think you wrong*.

THERE is no moral truth, the weight of which can be felt without experience. What do I mean by moral truth? I mean that which depends upon the nature of man, and is the foundation of his actions. Who would comprehend without feeling it, that it is of all things the most difficult to govern men? The most simple way, and doubtless the most effectual, is the same by which you would govern a beast; the *bridle and the whip*. An *individual* at the head of an *organization*, may command millions, and keep them in subjection; but in this case, no one can be allowed a will of his own, to the smallest extent. If the *two legged* thing, that calls himself a man under such a government, should attempt to speak or act for himself, off his head goes, scalp and all, and there is an end of the disturbance. There is one way, which is to let the multitude alone altogether, and then there is anarchy, or no government. If you let them alone, it does not suit very well, for in that case they rob;

and there being no security, there is no industry, and, consequently, no improvement in the arts, or amelioration in the condition of man. If you undertake to restrain their passions, how will you go about it, but by force or persuasion? Persuasion will go but a little way with a man that is hungry to hinder him from putting his paw upon whatever eatable there is before him. It must be, therefore *force*. All government must be therefore founded in *fear*. It is but a conceit in Montesquieu, to found a republic upon the principle of virtue; a monarchy upon that of honour; and a despotism upon that of fear. Fear is the foundation of government, of man, as much as of a horse, or an ass. The great secret is to govern him, not just as you would a beast; but by the *fear* of suffering a distant evil. The reeson and reflection of a man can comprehend this; that of a beast not so much. What we have seen in this new settlement, is a picture of the credulity and restlessness of man, and his constant struggle to break through that organization of *power* by which he is restrained from that to which his passions prompt. He will endeavour to break through, by talking of changing the modes of government. But it is not the mode, but the being governed at all that displeases him. A *constitution* is that organization by which a man is governed by rules that apply to every individual of the community; and from which no one is exempt, but all bound to obey. This is what is called a republican government. The changing a constitution begets the desire of change; and like a dislocated bone, must produce a *weak joint*. It ought to be some great defect that would justify a change. The one half the effect of laws or general rules, is the being acted under. It injures a saddle horse to put him in harness; because he must change his gaits.

The governor had acquired considerable authority over this mob, by the intimidation of scalping, and I take it he will speak in a more decisive tone, and act with proportioned firmness in the future exigencies of the commonwealth. Fraud is sometimes called, pia frau, because it is a deception of the people for their own good. But fraud is not admissible, but on the ground that they are in a temporary phrensy, and *not in a condition to hear reason.*

A BOOK entitled, *Incidents of the insurrection in the western parts of Virginia and Pennsylvania*, in the year 1794, gives a picture of a people broke loose from the restraints of government, and going *further than they intended to go*. If that book was republished at this time, and circulated in the *Eastren states*, it could not but contribute to show *the danger of even talking of a severance of the union or an opposition to the laws*.—The bulk will take one another to be in earnest in these matters, when individually, they never thought of carrying the project farther than talk. It is not a want of understanding that prompts dissatisfaction in this part of the republic, but, a *want of self-denial, and humility*. Doubtless it may be said that Virginia, though she has ore of a good quality, *has wrought her mine too much*, in protruding presidents; and there is no intelligent man, but will approve of an amendment to the constitution of the United States, to remedy such engrossing in time to come; but they will support the administration, since it *is the will of the majority for the time being*. An error in the *expedient*, and this could be considered only an error in what was *expedient*, is a small matter compared with a violation of *principle*. Opposition to an administration, is an error in principle, and may lead, though not intended by the actors, to the *destruction of the machine*.

If, in giving a picture of a Hartford convention, in the narrative of the proceedings of the new settlement, I should, in due time, have a convention here too, I will have no *chaplains*, because it looks like a burlesque; and it would be ten to one, if the governor could keep Teague O'Regan from being one of them. If the people would insist upon it, how could he help it? The *Reverend Teague O Regan*, I presume, he must then be called, to give the greater solemnity to his function; but this very designation would but increase the farce.

I wonder what business our legislative bodies, of the individual states; or governors, or congress, or presidents have with proclaiming *days* of festivity, or humiliation, which ought to be left to the societies of religious denominations? It savours of hypocrisy or the temporal power to interfere.

CHAPTER XII.

THE visionary philosopher, notwithstanding the want of success which attended his speculations, had still great weight amongst the people. I mean, his opinions had great weight; for though a tall man, he was not of great corpulency. It had been suggested that it behooved to impose taxes for the support of government. What? said the philosopher, have you not got a constitution; and cannot a constitution work without taxes. At all events, what is called an impost may suffice.

An impost; what is that? said a man amongst the crowd.

Why, an imposition, said another, what else could it be?

Impost, has nothing to do with imposition, said the philosopher. It is to knock down a man when he comes into the settlement, and take his money from him. The English have what they call a pol-tax, or a tax upon scalps. It cannot but raise a good sum from the red people, who take so many from the whites. In some governments, they tax boots.

Would it not be better to lay a tax upon legs, as being more easy to be collected, and less liable to evasion? said an honest man.

Of all taxes, said one in answer; I think this would be the most easily evaded; because a man could run away with his legs

Robbing people that come into the settlement, will not do, said one; at least for a permanent revenue; because it will keep people from coming. I am against all constraint upon ourselves, or any one else. I propose voluntary and occasional contributions.

You propose a fiddle, said his opponent. Voluntary, and occasional! Do you conceive a man could spare a pound of flesh, or an ounce of blood, occasionally for any great length of time? He might bear the first slash that he got; but he would wince at the second.

Loans, loans, said a financier; you have nothing more to do than to borrow a million now and then, when you are out of money.

Why, if robbing pedlars will not do, said the Visionary Philosopher, I think loans must be the next resort.

A pretty noise we have made about a constitution, said a smart looking man in a pair of leather breeches; if there must be force constantly applied to the wheels; and money expended to keep it going.

How can a machine go unless it be wrought, said a man with a slouched hat—without some to work it; and how can it be wrought without hands? I mean persons hired for the purpose; and if hired, they must be paid.

I do not know, unless you apply steam, said an ingenious mechanic.

Would you make the government a steam boat? said one in a bear-skin coat. But supposing it the case; you must have coals to boil the water, and produce steam.

At this point of the game, a simpleton came forward, and spoke as follows:—Gentlemen said he, I am but a fool fellow, a mere ass, a sheep, and what not; but I do not see how we can borrow, unless we expect to pay; and if what is borrowed is to be paid, why not pay in the first instance?

That will not do, said an artful member; we will be turned out, if we lay a tax; the people must be *cheated* by our borrowing in the mean time, and leaving it to those that come after us to lay a tax, and pay.

What use in having a general financier, said the multitude, if he cannot make money out of chips and whet-stones? If nothing more is to be done, than to count the money, or cast up the tax when it is paid into him, any cod-head may do that.

A financier may do a great deal more than that, said an intelligent person. He may determine and *report upon what tax may be best laid, and to what amount.* But if we hesitate to tax at all, I grant you any body may be a financier; for it is an easy matter to borrow, if you can get any to be fools to lend without funds to sustain it, and at least, pay the interest. But why borrow when a man has money in his chest? I would call for this; every man his proportion according to his property, just as we subscribe to an undertaking; and the only difference is, that, in this case, we subscribe what we think we can afford; in that, we contribute what the community shall think we ought

to advance; the community, through some organization of officers, and these being the judges. "Put yourselves in an attitude and armour for war." What is this but to raise money, which is the means of war? It did not mean to clothe yourselves in sheet iron, or in bull's hides; but to go to the bottom of the matter, and to lay a tax to support a war. No difficulty in procuring soldiers for a campaign, if you have money; no necessity to call upon militia; you will have enough to offer their services. It is money makes the mare go. Give me money and I will shew you men; and when I have the men to shew, there will be no war.

Aye, said Teague O'Regan, give me de boys, and a shilelah, and I will clear de fair. If you will give me de money, I will get de whiskey; and if I have de whiskey, I will have de boys, and let me see who will like to come to blows wid Teague O'Regan.

This speech pleased the people much; and they insisted upon the Governor to place Teague at the head of the finances.

It is more than probable he might have been advanced to the head of this department, the Governor yielding to the solicitations of the people, had not the popular voice propelled him in a different direction. For about this time it was reported that he had taught a cat to speak. It is true, that as he had seen done in Ireland, by taking the lower jaw between his finger and thumb of the left hand, and pinching her upper jaw with the finger and thumb of the other hand, moving the lower jaw, in the mean time, as she mewed, he would make her pronounce something that resembled the crying Erin go bra, which was Irish; and by another kind of movement, and breaking of the voice, it would seem to be, bacon, fat bacon, which was English. From this specimen, it was thought that if put at the head of an academy to teach beasts to articulate, he might succeed better than any had yet done. He was called principal, and being made a Doctor of laws, was put at the head of the institution. But it took more time to teach the principal, I mean the bog-trotter, to make his mark and write something like L. L. D. at the end of his name, than it had done him to teach the cat; and if you had not known that it was L. L. D.

that the letters ought to be, you would have been at a loss to know what they were. It is necessary that a man in a station which bespeaks learning, be a Doctor of laws; but it does not always follow that he be learned in the laws, at least I have known some that are not the most profound scholars, on whom this degree has been conferred. To make the bog-trotter a Doctor of laws was some advance; but, it would be more to confer that degree on one of his pupils, a bear, or a young elk; at least it would occasion more surprise.

The Visionary Philosopher had made a system of rules and regulations for the government of the academy; in other words the discipline of the institution; such as co diti ns of admission, price of tuition, grade of classess, freshman, sophomore, &c. books to be read, hours of study, and va' ation; meals' kind of food, with matters that regarded decency of manners' such as that squirrels should not crack nuts, nor pigs eat apples in the school rooms; nor raccoons chew tobacco or smoke segars. It was particularly inculcated on all, that they should rise early, wash their snouts, comb their hair, and pair their nails as becomes a student.

All things were arranged for this menagerie; and a proper number of the more tractable animals got together to begin with, such as young cubs, whelps, &c. when it was put into the head of the Principal, by some of the more high minded of his conntrymen, that it was a degradation to have it said, that *an Irishman was teaching beasts;* to be called a horse professor and the like. Whether it was that the pride of the bog-trotter took alarm at this, or that he saw the ridicule himself; he threw up the trust and would have no more to do with it. The people were dissatisfied, and his popularity fell as rapidly as it had risen.

Transit gloria mundi; There is nothing so fleetiug as sublunary joys,; and of all these, popularity is the most evanescent. It was but a short time ago, which was the occasion of the bog-trotter teaching the cat, and having succeeded, that he was caressed by the multitude, followed, chaired, &c. but it so happened that the chairing took place in a small cabin; and when he was raised suddenly, those hoisting, not having due regard to the height of the story, he

struck his head against the ceiling, or rather rafters; for there was no ceiling; at which the Latin schoolmaster exclaimed,

"Sublimi feriam sidera vertice."

But what gave him more consolation, was the having a dinner given him, the Chief Justice presiding, and toasts drank. For it is not in our time as it was at the Olympic games, or a Roman triumph, or ovation, that an oak leaf, or a sprig of laurel, or a bunch of ivy, a branch of olive, or some other unsubstantial vegetable was the gift. In modern and more improved time, we have solid food of flesh, and sauces, to gratify the palate. Certain it is, the bog-trotter had been feasted abundantly during his popularity; but now on the ebb of this, he had declined so far in reputation, that he could not have been made a constable. So fortuitous and unstable is the popular voice. Whereas heretofore during the current in his favour, things were imagined to his advantage that he had never done, and words framed that he had never spoken; so now the reverse took place; speeches were framed it is true, but they were all to his disadvantage; as for instance, that he had said the moon was made of green cheese; that a snake was a vegetable; that the only conversion with the fanatics was the turning the heels where the head should be; that he had reflected on the general government, saying that gun boats were only fit to make Virginia hog-troughs; that an embargo was like yoking pigs where there was no fence; that borrowing money only became a young spendthrift, who was afraid to apply to his father or or his guardians; that there were *faults on both sides, weakness* on the part of the administration, and *wickedness* on the part of the opposition.

These allegations might be all true enough; but he had not the sense to make them; but bearing down, every thing must be heaped upon him. An editor of a paper, who had boasted he could write down any man in six weeks, opened his battery; charged him with tumbling, and bog-trotting, and shaving himself with a bad razor; some things frivolous, and some things false; but it went to compose a paragraph. There was no standing this. The bog-trotter was at a loss what to do; whether to withdraw from society, and take a hut to himself in some corner of the settlement; or to quit the country and to live amongst the savages, and wild beasts, when a mere accident gave him some countenance in the community. It was reported that he had found a stone; and doubtless he had, for it was an easy matter to find a stone on a piece of

ground which had once been the bed of the river; and these stones also round and lubricous; but it was suggested to be what is called the *philosopher's stone*. This hint, some wag had communicated to the Visionary Philosopher, who went immediately in quest of Teague. The truth is, the stone had something singular in its configuration, and was perhaps a petrification. The Philosopher, though somewhat irritated at the Irishman's desertion of the trust in educating beasts, yet as it is natural with visionary men, was struck with this new idea, as what might be turned to account in making gold and silver in the present scarcity of specie, the banks having refused to issue any for their notes; and adopting a conciliatory address, he bespoke the bog-trotter. Teague, said he, I am not come to take you up, not being an officer of justice; nor having any thing to do with the matter of your *teaching beasts*; for it has occurred to myself, that if taught to speak, and sent to congress, they might gabble like magpies, and the *remedy would be worse than the disease*; so that I come not displeased with you, on account of your relinquishing the tuition; more especially as you have found out the means of replenishing the *national treasury*, by this stone that has fallen in your way. It is a desideratum in chemistry that has been long sought after; and if Redheiffer had turned his attention to that, instead of the perpetual motion, it would have been better for the public. For though an editor made a demonstration of it as plain as a problem in Euclid, yet some still doubt the fact of a perpetual motion being discovered, except in the tongue of a member of congress.

Have you made any silver out of this stone yet? I should like to see a little of it.

I have made a pewter spoon, said the bog-trotter, and dat is de next ting to silver, and a lead bullet, and a piece of copper; but de spalpeens have robbed me o' dese, and took dem out o' my pocket whilst I was aslape, and no body de wiser for it; bad luck to dem, de shape-stalers, and tiefs.

Come back with me to the settlement, said the Philosopher, and I will make a man of you.

Dat I will, said the bog-trotter; and see de Governor, and shew him de stone.

The stone was shewn to the Governor, who was glad to see the bog-trotter again; but had no faith in the discovery. The stone,

said the Governor, is a very pretty stone, made by the rolling and tumbling of the water, in one part, and breaking off in another; or has been originally a piece of wood, cut by a joiner, and is petrified; but I would just as soon take a *stick* to make gold, as I would a *stone*. A stick to hold in one's hand, and compel a robbery, would be as efficacious as a stone; and this is the only way that I know of making money, suddenly, which cannot be done, unless you have some one to rob that has money.

The Philosopher with Teague, appealed to the people, and reported that the Governor was averse to the having money made.—The only remedy in this case was, the threatening that they would turn him out and put Teague in, or the Visionary Philosopher for Governor. With a view to this, and to refresh his popularity, a dinner was once more given to the bog-trotter. The toasts were, Down with paper money; gold and silver the genuine circulating medium, &c. &c. &c.

When the bog-trotter retired, a volunteer was given: "Our noble bog-trotter."

CHAPTER XIII.

THE governor, wearied out by this folly of the people of his government, and being somewhat in a passion, at a meeting of the legislature, instead of sending a message, came in, and with a speech made the welkin ring. For it was out of doors they were convened not having yet built a state-house; and being a man of very powerful lungs, like some of your warriors of antiquity, or Shelby of Kentucky, in modern times, and mounting a stump, on a rising ground, the heavens his canopy, he raised his stentorian voice.

"Good people, said he, I care no more about my popularity with you; or whether I am again to be chosen governor or not, than I care whether you are fools or knaves; it all comes to much the same thing; for in both cases, you mistake your own interest. If this fool fellow, Teague O'Regan, that has been one day popular with you, so as to be fit for any office, and at another day not fit to be your hangman, has found a stone, which this politician, the visionary philosopher, gives out as having the virtue of transmu-

ting metals, and changing wood or shells into gold and silver; if this ragamuffin, I say, has found such a stone, which I no more believe than that my horses' hoof has the virtue of changing the earth that he treads upon, into gold; what good would it do you, when the very thing that makes such metal precious, *scarcity*, would take away all use, or benefit of it? If you would make gold and silver as plenty as bank notes, would it be of more value? Do you take me for one that, for the sake of keeping my place, would consult a temporary popularity? I tell you that I will have no more teaching beasts to speak, sing, or whistle; no more coining money, by philosophers stones; or discoveries of perpetual motions, or any such stuff. Your philosopher may teach you to catch crabs in a new way or to open oysters; I look to what will establish the government and render it *vigorous*; taxation, and no borrowing from Jew brokers, like minors that have their estates in expectancy. Does the heart borrow from without; or does it not take back the blood from the extremities, which it has circulated to them? It is a cheat and deception of the people not to tell them truth———

"Si populus vult decipi, decipiatur,"

said the latin schoolmaster.

No, said the governor, they shall not be deceived by me. I disregard their caucusing, and talking of taking up another candidate for governor. They may have my bog-trotter, or the visionary philosoper, when they please; and they may impeach me when out of office, or let it alone. I am at their defiance, having acted to the best of my judgment, for their true happiness. Do they take me for a coward in politics, that am afraid to touch their pockets, and apply to a philosopher's stone, even if it had the virtue of making gold, when the making gold or silver, would do more harm than good?

"You may have my bog-trotter, and welcome, for a governor; I am pretty well tired of bothering myself with him, to make use of a phraze of his own; I have had as much trouble on my hands with him as Don Quixotte had with Sancho Panza; and I cannot but acknowledge, as some say, that I have resembled Don Quixotte myself, at least in having such a bog-trotter after me; save that Sancho rode upon an ass, and this O'Regan trots on foot. But I hope I shall not be considered as resembling that Spaniard in taking a wind-mill for a giant; a common stone for a magnet that can attract, or transmute metals. It is you that are the Don Quixottes in this

respect, madcaps, and some of you from the madacp settlement, Thady O'Connor and several others, tossing up your caps at every turn, for a new constitution; not considering that when a thing gets in the way of changing, it will never stop until it gets to the end of liberty, and reaches despotism, which is the bourne from whence no traveler returns. Do you take me for *Jefferson?* You are mistaken if you think I have so good an opinion of you. I would ill deserve your confidence if I made your whims my guide; or regarded popularity obtained in such a way. It never came into my head that because I had got the chair of government, there was a milenium about to come, when all men would do justice, and there would be no occasion for judges and lawyers; nations could be coerced by proclamations; and no war would ensue. Your philosopher's stone will stand you in little stead if an army is to be raised and a fleet supported; and without an army and a navy, are you safe within or without? Not while you live in a country where there is a *water on one side* and *savages on the other.* John Bull will come by the water, and Tecumseh by the wilderness. A navy is the safe defence of a republic where it must, or at least, will have commerce. It always rallies round the government, and not faction. I want money to support a navy and an army, and this I will have, not by a philosopher's stone, but by drawing on yourselves; and when you cannot pay, then borrow; but lay yourselves to the wheels, and see what you can do first.

"The mischief is, you have too much money, and hence it is we hear of banks in every quarter, depreciating the medium until a paper dollar comes to be an oak-leaf; and if *you were to make silver as plenty, it would be the same thing.* I will have none of your philosophers stones, I will put my veto on it.

"The priesthood have young *John Bull,* I mean New England, under complete subjection; because they alarm them with the idea that but for them, the clergy, the witches would be let loose, and carry them to the red sea. Now, I neither wish such subordination, nor by such means; but I tell you the truth, that I will resign the government, and go about my business, bog-trotting as I used to do, with some new waiter, if I should leave Teague upon your hands. I neither know nor care, but I should not be surprised, if some of you should have your necks in the guillotine, before a fortnight; (and here he gave a description of the guillotine.) This happened in the French revolution, and will happen with you, if you give way

to your reveries. I will abdicate this moment. I am off, and I would not wonder if some of you had a guillotine about your necks before the morning."

At this, decending from the stump, and making as if about to go off, a great dismay fell upon the legislative body, and the multitude without. They had a confused idea of the matter threatened, but could not well conceive what it was. Some thought it was at least a hanging matter that was to come upon them; but all apprehended some bad consequence, there having been a rumour of philosophers in France having brought the nation to much suffering, by *guillotines*; the royal family having fallen victims to this mammoth kind of execution. They began therefore to intreat him to retain his place as governor; and even hinted at a resolution to guillotine the bog-trotter

The *visionary philosopher* afraid that in this turn of the public mind, he might also be guillotined, fell in with the current of the popular opinion, and said he was for the guillotine; that he had a model of one in his pocket. It was the fact, he had a model, not in the least expecting such a result of things: or that there would be any occasion for a guillotine; but merely as the model of a machine thad had been in use, at a distance, but not introduced here. I have, said he, the model of a guillotine, pulling it out, and, I take it, with the help of a carpenter or two, I could have one constructed of a proper size for the bog-trotter in the course of this evening.

Dear master, said Teague esconcing himself behind the governor, spake to de paple and tell dem not to be after taking de head off a christian like a baste before he has time to spake. Dis is worse dan de savages wid deir tomahawks and deir scoolping knives. Let dese paple keep deir toasts and deir offices to demselves. I'll have none of dem. Better to be travelling after your honour in de woods and de bogs, and slaping in a good bed, dan to be kilt here like a shape. I'll be no governor, let dem keep it to demselves.

The governor finding that matters were likly to go too far and not liking to loose the services of the bog-trotter, though he did not much care for the visionary philosopher thought it best to moderate the passions of the people or at least divert them to some other object.

I would just observe, said the governor, that the guillotine has fallen into disrepute in France. *Deportation* is the modern manner of disposing of the criminal. And without much time lost, it

may be perfectly convenient to carry a deportation into effect. Here is a tin cart of one these young John Bulls; I mean one of those carts that carry tin-ware, watering-cans. and cullenders. You can make use of one of these for deportation from the country, not that I can spare my bog-trotter from digging potatoes, but here is Thady O'Connor, a loose fish, that can be put into it.

No sooner said than done; Thady O'Connor was taken up put into the cart and obliged to leave the settlement.

CHAPTER XIV.

INCLINATION prompts me to give some account of the locus in quo, as the lawyers say, or the place where the Governor had pitched himself; I say pitched, which is a metaphor from the pitching tents by an army. It is expected that I am to describe the situation of the hill above, and dale below; shade of tree, or falling fountain by the house. Will it not be proper that I first describe the house itself; which I do not mean to do minutely; because I have no idea that it will stand many years; but that he will get a better, as the country improves, and saw-mills erected. What can be expected from early settlers, but the choise of a situation? and every thing is not always made with the best judgement. For it is inconceivable by any one who is not acquainted with it, how little of the ground can be seen, and particularly explored, while it is under wood. The best situations will be overlooked; or, if they are seen, some less superb is chosen with a view to present convenience of water, or vicinty in some other particular. It was not such a mansion as would hurt the pride that is natural to the mind of man; and might lurk in the bosoms of other early settlers, not so well lodged themselves. I do not know that the builder had thought of the uneasiness occasioned to Valerius Publicola, by the loftiness of his dwelling on the Vilian eminence But his mind not running upon superb edifices, he had thought only of convenient accommodation. The simplicity of his taste was at a distance from every thing of shew and splendour; so that, not from the reflection of a wise precaution, but from the natural disposition of his mind, he was satisfied with a structure that could not affect the less opulent. But what it wanted in grandeur, he endeavoured to make up in taste, if that can be predicated of a

building where little cost had been expended. Taste there was in having it in such a style, that it would not have occurred to any one that taste had been thought of; for there was no ornament, nor was there room for it.—For what ornament could there be bestowed upon an oblong in the proportion of one hundred and twenty, by twenty feet; the sides and floor of hewn logs, and the roof of split timber? What was it but a suit of rooms under the same cover, divided by entries, or intervals, of ten feet transversely to the length; which had the appearance more of a range of barracks than of a farm house. The fact is, the humanity of the governor had intended it chiefly for that use, the accommodation of individual families for a night, in their emigration to a new settlement.

It stood east and west, upon a ridge of ground like a whale's back, with a stream on each side, running in a direction contrary from each other, but falling into two sister rivers on the east and west, which joined their silver currents at a small distance and in prospect of the building. As there was a suit of rooms, so there were stacks of chimneys on the north of the range, and these of stone, built strong to resist the tornados not uncommon in that country. These with a cellar underneath the whole length, walled with stone, and the lower timbers of the building laid half their depth in the wall, there being but one story above ground, rendered the structure pretty secure from the most violent blasts of wind.

Having given this outline, it may suffice. I shall say nothing of the subdivisions, because they may be imagined. Nor shall I describe the extent of level, or of rising ground in view; or the bearing of the mountains at a distance, or the circling of the floods. What attracted my attention more, was a beautiful water-fall in one of those springs that issued from the hill on which the mansion-house stood. It was a perennial stream, and issued from a crevice in a moss-covered rock, with a current of about two inches in diameter. It was as clear as crystal, and as cool as the Hebrus. The projection was in its first pitch, clear of the rocks, several feet, into a bason of pure white gravel, large enough to bathe in, and shrouded with a group of wild cherry trees on the sides, but above with the shade of the tulip-bearing poplar and the oak. The spring on the other

side of the small dividing ridge, and towards the west, at the distance perhaps of one hundred feet, issued more abundantly, and fell from one ledge to another, but with some murmur of the current, as if dissatisfied to quit the fountain. The new town, as it was yet called, stood in sight, and had begun to show two streets of houses at the confluence of the two rivers, and parallel with each, with the public buildings at equi-distance from the banks; and towards the base of the right angle which the two streets formed. I shall say nothing of the garden grounds; for these were laid out but in imagination, save as to a kitchen garden, with such vegetables and essential roots as could immediately be cultivated, and were the most necessary. The collection of indigenous plants and native flowers, or sought from abroad, could be the object of a more leisurely attention at a future day. People were thinking more of cutting down trees, than of planting them, which may be a fault. For individual trees, as well as groves in some places, ought to be spared in removing a wilderness. The depth of a native grove in a hot day, surpasses all description in the sensations that it gives. The power of art, with all her skill, can never equal nature. I think it a great pity that we have lost so much of the ancient mythology, as respects the Sylvan deities, such of them to whom no worship was addressed, unless in the figurative language of the poet, which we still use, but do not feel, as those who believed in the existence. It inspired a tenderness to rural scenery; and in sparing shades was favourable to taste. One could tell a rustic who had no conception of the pleasures of imagination, that, if he cut down this or that groupe, he would have all the Dryads on his back, the Hymadryeds would come to their assistance; the Oreades would not send him storms; the Naids would order the spring that furnished water to his reapers to be dried up. But now we have no hold upon him; and much pain has it given me to see a fringe of willows by the brook, or a semi-circle of trees on the brow of a hill, entirely cut away.

Nor is it only in matters of taste, that the settlers of a new country are, in most instances, deficient. They have not the most perfect judgment in the use of the small means they usu-

ally possess, to establish themselves. I do not mean to undervalue the good intentions of public bodies, in sending missionaries among the Indians, to teach the doctrines of supralapsarian predestination; but might not other funds be constituted to assist settlers in removing and fixing themselves in a new settlement, and to instruct them in the principle of an agriculture adapted to the soil and climate? The thoughts of a scientific man of experience in agriculture, would be a great advantage in a district of country, to advise in the making improvements. Men of public spirit, in some instances, have combined their own interest with the benefit of others, in improvements in a new country. Disputed titles are the bane of settlements in new districts. This is owing to a want of specialty in the original granting, or correctness in laying out the lands. Would not the salus populi justify in such instances, the settling disputes in a summary manner by commissioners? Does not such a trancendental right of government exist in all cases? It is not enough that the rind of shrubs, or wild berries, and the juice of the maple, should constitute the principal part of the food of a settler for a time; that he should put up with the shelter of bark stript from the trees, for the first summer; but after he has cleared his ground, and has raised corn, his field is taken from him by an error of the survey, or the equivocal description of an office right. The soil of a new country is wet, the air moist, the winter longer, of course, in the bosom of a wooden country; hand-mills for a time must suffice, and every man must be something of a jack of all trades. He must be a worker in iron and in leather, and in wood. Invention, as well as industry, is requisite. But the principal defect, as in all other objects of human application, is the want of original thought, to adopt new modes to new circumstances. Things are rather done in this or that way, because they have been so done elsewhere, and heretofore. For this reason, I would wish to see missionary agriculturists sent into the country; societies instituted for the propagation of agricultural knowledge among the people, and the relief of distressed inhabitants. There might not be just as many Indians brought into the pale of the church, but there might be more churches built amongst the whites on the frontier of the country.

The establishment of churches in the frontier country is not amiss; but, on the contrary, deserves commendation, where the preachers employ themselves in explaining and inculcating the intelligible principles of moral duty; and even when they take up the time of the people in supporting or overthrowing the speculative opinions of their adversaries, it amuses the congregation. That institution is not wholly useless, which supplies amusement. It reconciles the labouring part of the community very much, to hear the rich and the luxurious denounced, as not likely to come so well off hereafter, having had their good things in this life. Cold and heat, and fatigue are better borne under these impressions; there is less murmuring in the community. In a political point of view also, religious institutions have their use. Obedience to the laws, is a Christian duty, and the support of government is favourable to that settled state of society, in which alone any system of mental cultivation can be the object of attention.

CHAPTER XV.

IT may not be amiss, at this stage of our history, to mention that the governor had not yet been a married man; and it was not the death of his lady that propelled him to enter on an unsettled and rambling way of life, as was the case with Sir Thomas Graham, who, to relieve his grief for the loss of a beloved wife, sallied out with a regiment of English troops against the French, to kill all that he could. It was not the loss of a dear woman, that had made the captain half mad, when he set out with the bog-trotter,

"In romantic method."

But it was a cause that had some relation to it; disappointment in love. These had happened to him frequently, and from an early period His first attachment that took a strong hold of him was about the twenty-eighth year of his age. He had taken it for granted that it was a thing of course for the maid to

affect coyness, and to be won with great difficulty. And hence it was that he persevered too much and too long; and when repulsed, he bore it the more hardly, because he had not expected it. The effect also was produced, that, in his advances to a future mistress, a very small matter discouraged him; in the same manner as a steed in a curricle, once baulked, will stick at a small impediment, and refuse to draw. For falling in love with another beauty, and learning that poetry was essentially necessary in matters of love to a young person, he wrote verses and presented them. The lady wishing to bring him to the point, affected to consider his madrigals as a burlesque, returned them to him, telling him that she had not expected such ridicule from a gentleman of his good breeding. The poor captain, in the honesty of his heart, took her to be in earnest, and never went to see her more.

The third that he addressed; for a lapse of a long time intervened before he could muster resolution to pay his respects to any one; the third, I say, that he addressed, or rather purposed to address, was a blue-eyed beauty, with black hair and a white skin, whom he took by the hand, which trembled so that he let it go, and gave up his pretensions. The truth is, it was sensibility, and her joy in the good fortune that she had to be addressed by one whom she prized so much. He mistook it for a feeling of horror at her situation. His next campaign was with one whom his heart loved, but his reason disapproved, for she was as handsome as an angel, but as ill tempered as Jezebel. He would have married her; but he was relieved by a richer wooer, who made a present of a bread tray, and chicken coop to the mother; and having her good wishes, succeeded with the daughter so far at least as to gain her consent to matrimony.

His last attack, to speak in a military phrase, was on the heart of a young widow, who would have yielded incontinently had he pressed his advances; but her little boy calling a gentleman pappy, who gave him sweet-meats, he took it that the child had the hint from the mother, and that the other was the favoured lover. Considering the matter all over, he resolved, not as the English novelists say, upon a trip to the continent, but

a journey on the continent to dissipate his ennui, and recover himself from the softer affections which had obtained the ascendant. For a change of objects diverts the mind; and going to watering places cures love, as it does the rheumatism; not that it has any other primary effect, than cheating the imagination of its reveries.

The people of the settlement had built the governor a house. The mansion of his excellency was spacious, and furnished with several large tables, and some long benches, but was deficient in one particular, a lady of the castle who might attend to household affairs, and receive company. His senate thought that he ought to marry. Having weighty reasons to oppose, he did not all at once accede to the proposition. The truth is, as we have seen he was apprehensive of a repulse.

For he had laid it down from his own experience, that as some attract woman, so others repel; and there is no contending against nature. But though of great candour, he did not wish to acknowledge, or profess the real motives which led him to hesitate; but rather to evade, and raise dificulties.

The setting an example of matrimony for the sake of peopleing a new country, was suggested as an obligation upon every good citizen: and that it behooved every good man to see to it that he multiplied himself. To this he replied, that he wasnot so sure of the truth of that proposition. That when we saw nature using means to put people out of the world by pestilence, and earthquakes, we could not be certain that it was the will of Providence there should be more brought into it. And as it is of no consequence to such as have not yet come into life whether they ever come at all, he did not see that those who did not come had reason to complain of those who were but the negative causes of the non-existence.

There was a subtlety in this reasoning which the people could not answer; yet they were not satisfied. It came to this at last, that he was under the necessity of explaining to them the delicacy of his situation, that it did not become him, the governor of a republic, to compel matrimony in his own case, or indeed in that of any other; and that he had no reason to suppose that in any other way, he could obtain the hand of the inamorata that he might pitch upon.

It seemed to the multitude a ridiculous idea that there could be any spinster in the colony who would refuse the hand of a man of station when offered to her. But that if there should be any one found so recreant, the voice of the people should compel an acquiescence: that they would send out through all their border, and find out a damsel for my lord, the governor, as in the case of king David, Ahasuerus, and others that are read of in the scripture times.

Appalled at all idea of constraint, he was disposed to try rather what might be accomplished by fair means. He had heard of the emigration of the Creoles from St. Domingo, which happened about this time, being driven from their own country by the revolt of the negroes; some of these half mulattos themselves, or what are called mustachees, and not being of the fairest complexion, and pressed by great necessity, might wish to match themselves with any person for a livelihood. Or, as another expedient, he thought of sending by a trader a keg or two of whiskey to the Indian towns, to purchase a princess who could be reconciled, for a little calico, to relinquish her connections. But the people would hear of no Creole, nor savage, who would be running back like a pig that is brought from another settlement; or bringing her relations along with her, of foreign manners and attachments. They insisted on his issuing a proclamation to call in all the spinsters, and selecting one from the assembled; some Abisha, the Shinamite, or Esther; not for a concubine, for they would have no concubine; but to be the lady of his hall, in a decent manner, as became the magistrate of a Christian people.

His excellency could not reconcile it to himself to procure an assemblage of females by proclamation; as in that case one must be rejected, and another chosen, which could not but wound his own mind, as well as that of the unsuccessful candidate; and he could not marry them all, even were they so disposed; for a plurality of wives in modern times could not agree in one house, however it might have been in ancient, when women were better tempered than at present. Besides the accommodation of the country would not admit it. If he took two, some honest settler might be without one.

To obviate the delicacy of a selection, it was suggested, the procuring a number to be got together under the idea of a spinning match, a thing well known in the country, and let the best spinner take the prize; or to draw lots, as marriage is but a lottery, which would be a way of avoiding all idea of a preference.

That may do, said the Governor, provided that my man, Teague O'Regan, is put out of the way, or fastened up; for if they once see him, the matter is at an end; I shall get none of them to take a chance for me.

But, all things considered, itwas thought the most covenient course to do as others did; and without making any noise, to ride about the country a little to see the damsels in their hamlets and at their spinning wheels, in their virgin state and simple habiliments, with unadorned tresses.

In visiting the settlement, his excellency admired much the spinning wheel, a piece of machinery which he saw in almost every cabin. The attitude of the spinster is unquestionably finer than that of a lady at the forte piano, or harpsicord; not altogether because it connects grace with industry, and charms imagination at the same time that it engages reason in its favour; but because the position of the body behind the instrument, and with a front view to the beholders, has a great advantage. The fact is, that a finely formed woman can be seen in no possible attitude to more advantage than at the spinning wheel. At the forte piano, at a side view, which is the best for you cannot have a front view, but a side view only, the instrument being in front, you see but the profile of the face, and the person in an inclined posture, with the shoulder stooping somewhat. Even the fingers, however lightly they touch the instrument, are not seen to more advantage, than those of the spinster when she draws the lint from the rock with one hand, and rests the other on her lap. I consider the Irish harp as but approaching the spinning wheel, in exhibiting the person to advantage; but independent of connecting the idea of utility, figure to yourself this simple piece of mechanism, combining the circle with the triangle in its form; the lever, the inclined plane, the axis in the principle of motion; the orders of ar-

chitecture in the rounding of the pillars, from the turning loom; and the white maple stained in eccentric circles of bright yellow, or scarlet die; the yellow by the rind of the shumack, and the scarlet by the pacoon root, gathered by the female hand from adjoining woods. The tripod of Apollo, made of ebony, may present a resemblance; but the trapezium, on which the foot rests, and puts in motion the machine, with the neat ankle, and morocco slipper, is not easily painted to the fancy. But when you raise your eye to the auburn, or golden, or hair of raven wing; with a skin milk-white, and a brow of jet, and eyes of the crystal blue; when you add to this the finger of Hebe, disporting with the lint; the chest of Juno thrown back from the position; the cincture and the smile of Venus, and the vivacity and sense of Mnemosyne, you may have an idea of what I have seen of beauty, and loveliness of the use of this instrument. A woman on horseback, presents her form to advantage; but much more at the spinning wheel.

"And still she turned her spinning wheel,"

is part of an old song; and if we ever hear of the Governor being married, it is ten to one but it will be to a spinster.

CHAPTER XVI.

WERE I to imitate the action of an epic poem, it would now be the time to give the history of the Governor, before he had set out upon his travels; deducing my narrative from his early years. His ancestry also might be touched upon; but the fact is, as I have said, I know little about him prior to the time of his setting out; and still less of his descent, and pedigree. I should be better pleased if I had it in my power to give some account of the progenitors of Teague, as being a character of greater singularity; but that is not in my power. From his ambition for eminence, I should think it very probable that his descent was noble, and from some of the old Irish kings, if the heraldry could be traced; but in the sacking of

towns, and burning of castles in the civil wars in Ireland, and foreign conquests by Danes, and by John Bull, all documents of ancestry have been lost; so that we are at liberty to imagine what we please upon this head. Philosophers dispute with each other; but the divines all agree that we all came from Adam. If the divines are right, we are all relations tag rag, and bobtail; kings, emperors, and bog-trotters. I am content to have it so; for it is a way of thinking, favourable to benevolence; and I do not know that I should gain any thing by the idea of there having been different stocks; for though I should get quit of some rascals, that have sprung from Adam, I might have others on my hand not much better. The truth is, I know nothing of my own ancestry, farther back than the year 1715, where a certain M'Donald did good service with his claymore at the battle of Killicrankey, under Dundee. He was the grand father of my father, by the *maternal line*. I mention him because he is the only one I have ever heard spoken of as being a dead-doing man. My father's father, called out in a conscription of feudalists under Argyle, fell at the battle of Culloden; and this is all I know of him.

It has occurred to me sometimes, that coming from a remote island, and an obscure part of it, I might feign an ancestry with coats of arms, as others have done. The bracken, or brecken, as it is indifferently spelled by the Scottish poets, is the most beautiful *ever-green* of that part of the island; and might furnish something towards an escutcheon. The brecken is introduced by Burns, as an ornament of Caledonia.

Their groves o' sweet myrtle let foreign lands reckon,
Where bright-beaming summers exalt the perfume;
Far dearer to me yon lone glen o' green brecken,
Wi' the burn stealing under the lang yellow broom:
Far dearer to me are yon humble broom bowers,
Where the blue-bell and gowan lurk lowly unseen:
For there, lightly tripping amang the wild flowers
A listening the linnet, aft wanders my Jean.

Tho' rich is the breeze in the gay sunny vallies,
And cauld Caledonia's blast on the wave;

Their sweet-scented woodlands that skirt the proud palace
What are they? The haunt o' the tyrant and slave:
The slave's spicy forests, and gold bubbling fountains,
The brave Caledonian views wi' disdain;
He wanders as free as the winds of his mountains,
Save love's willing fetters, the chains o' his Jean.

The *ridge* o' green brecken, would have done as well as the *glen;* for it grows on the ridge as well as in the valley, which is the meaning of the word glen, a narrow valley, overhung by a ridge on each side; and so lone or lonely; that it is wild and romantic, by the small stream murmuring through it. This is the origin of the name breckan, or brackenridge. But I am running off at a tangent, and wandering from my subject. Having nothing to say of the ancestry of the Governor, or of that of the bog trotter, I must omit, or rather cannot accomplish the dramatic form of the epic. We have little knowledge of his early years, and schoolboy anecdotes, nor is it perhaps of any importance.

The neighbouring country being peopled a good deal from the north of Ireland, the early teachers of youth were from thence. What were called redemptioners, or persons unable to pay for their passage, contracting to be sold in this country for what time might be necessary to raise the money, were bought for schoolmasters; or put to that employment in the summer; and in the winter to weaving, or cordwaining, or whatever other trade, or occupation, they were qualified to exercise, from the use of it in the old country. It was in this way that Greece had her first preceptors from Crete; and again Rome from Greece. And in the same manner, letters were brought into Italy, by the emigrants after the fall of Constantinople. It was under the tuition of one of those that the Governor had been taught the first elements. The master, as he was called, had a small staff attached to a strap of leather cut into thongs: the flagellum, or whip, and ferule in the same instrument. Nor was he sparing in the use of this enforcer of discipline. For as he had not a facility of communication of ideas, it was necessary to drive more by the hand; for "when the iron is blunt, you must put to more strength:" which was

rendered still more necessary from the want of those introductions to spelling, by division of words into syllables, which are now in use. Thornton in his prize essay, on the facilitating early pronunciation, has shown the advantage of beginning with the consonants, to give the sounds, and letting the vowels follow. Thus, ba, be, instead of ab, or eb. But such nicety was not attended to by the resolute men by whom the youth of that day were initiated in the first mysteries. The conjoining, and the reaching sounds was less studied; the system being that of direct force. I have seen a score go through their facings on a Monday morning, by flagellation; for it was thought most adviseable to whip first, and go to get their tasks afterwards.—And in proportion as the scholar was a favourite, he was the more roughly handled.

A higher grade of men of this education, and discipline, had got possession of the pulpits; the leading doctrines of which, in the mouth of some of these, were not calculated to give the most favourable impressions of the nature of the divinity.

It is of a later period, that we are indebted to this cunabula for editors of papers.

Said I, to one of these, why do you attack me, who have no ill will to you? Said he, it is not you I am attacking; it is the party. This set me a thinking; and certainly one has no more reason to be offended with a shot from one of these; for they mean nothing more personal, than with the gunner who points the battery. It is not an individual that he aims at, as individual; but as one of the squadron; the more eminent in character, the more prominent to the aim; and instead of defamation, it is a compliment, to be thought worthy of a piece levelled, or the artillery directed. In the midst of abuse, this has reconciled me to the bearing it; and, in fact, in the contention of parties, the passing by a man, is a sure proof that he is insignificant.

Speaking of foreign emigration, it occurs to me to say a few words on the subject of French influence: and in doing this, I must take notice, that those who canvass this matter, do not go far enough back. It could not but have been agreeable to France, to hear of the revolt from the authority of Britain, being a rival nation; and the presumption was, that France would

at least wish well to the opposition. In fact they did wish well, and at a very early period, began to discover it in acts. If she did not openly receive our embassadors at first, she did privately; and under the idea of commercial arrangements by individuals, slurred supplies of ammunition, and the means of war.—French engineers and soldiers of fortune, came to serve in our armies; and young nobility, as to a military school. Even an army came in due time, when she had acknowledged our independence; and French money was distributed: many thousand *French crowns* were circulated. But for this we could not have carried on the war. France is certainly opposed to our giving up our independence, and returning our obedience to Great Britain. But, be this as it may, certain it is, that the success of the French arms, at Marengo, at Jena, at Austerlitz, at Friedland, at Wagram, and other places, have obstructed our return; which may be termed an indirect French influence I shall not pursue this train of thinking; it is enough to have given a hint. It cannot be denied, however, but that one thing the French have done for the world, the advantage of which all protestants will agree in admitting; the putting down the Pope. Nor is the prospect hopeless, but that Mahomet will be reduced; a thing remembered in the prayers of those whom we call the faithful, for a long time in Christendom.

CHAPTER XVII.

HOW shall we account for this eternal babbling in our public bodies, which delays and confuses business? Can it be *French influence?* No. I have no idea that Bonaparte ever expended a single sous for the purpose of inculcating this tediousness, or loquacity. The French themselves are far from being a taciturn people; nevertheless I do not find reason to believe that it is from an imitation of the French orators, that this prolixity occurs. There was no great length of time taken up by the member of the constituent, or national assembly, when he ascended the tribune.

Some have thought that it was a proof of the hypothesis of Darwin, that men have been once magpies, and parrots. I am of opinion that it resolves itself into one of two natural causes, *want of self-denial*, or want of sense. I know there are babbling schools at the present time, as there were at a former period; debating societies among the manufacturers in towns and villages, as there is in Great Britain. In some of the New-England seminaries, I am told, debating and discussing questions is made a part of the academic exercises. Of this I do not approve, if the students are to take, one, one side, and another a contrary, to whet their wits; and to say what ingenuity prompts, without a reference to the truth, and a just decision of the question. It would vary the exercise, at least that, of the class each should propound a question in his turn on the science which makes the subject of his studies, and the one who explains best and forms the soundest judgment on the question, and with the greatest brevity expressed, should take the prize. I would commend brevity and truth, not the diffuse harangue, with sophism and errors. This would lay a foundation of eloquence for a legislature. Something ought to be done to correct this logomachy, or war of words, and nothing else. The vox, et preterea nihil is at all times abominable. If those of this class will speak, let them pronounce the word whippor-will a reasonable length of time, and that may suffice. Whippor-will; whippor-will; whippor-will; imitating the sound of that bird, for a quarter of an hour, might pass for a speech.—Oh, how I have wished for a gag or a muzzle, when I have seen four or five columns of a newspaper taken up with verbosity. The fact is, an amendment of the constitution would be the reducing of the ratio of the representation; fewer to speak, there would be less said. Many hands make light work; but this applies to bodily labour only, where a certain object is to be accomplished; such as the removing a fence, or cutting down a wood. Fewer members would do more in a short time; and perhaps would do it better; for though in a multitude of counsellors there is safety; yet if all speak there is delay.—Could we not give a power to the chairman, or president of a deliberative body, to knock down a member, when he had seem-

ed to trespass on the patience of the house? At any rate he might be permitted to give him a wink, or a nod, which it should be understood as a hint to have done. But there is great difficulty in breaking bad habits; and there are some whose tongues, according to the expression of the poet, speaking of a stream,

"Which runs, and runs, and ever will run on."

Things have come to such a pass, that I generally take it for granted, that the man who gives his vote, and says nothing, is the man of sense. Adonizabee, in the scripture, "had three score and ten kings, having their thumbs cut off." Why did he cut off their thumbs? It must have been to keep them from writing out their speeches. At least I have been led to think that it would be a gain to our republic if Adonizabee had *our members of Congress in hands a while.*

A KEY TO THE PRECEDING.

This will be found in the history of the times; and especially of that of the state of Pennsylvania. And indeed, I flatter myself, that it is not a little owing to this book, published in portions, from time to time, that a very different stage of things now exists. I do not believe, there has been a single bog-trotter, as I may designate them, admitted by the *American Philosophical Society*, for many years past; at least I have not heard of any since Oric M'Sugan, the house carpenter, who did the inside work of a stable for one of the members, and was therefore admitted.

In the winter of 1787, being then of the legislature of Pennsylvania, it was signified to me that I might be put in nomination, with several others, that were about to be balloted for, if I thought proper to skin a cat-fish, or do something that would save appearances and justify the society in considering me a man of philosophic search, and resources. Enquiring who these might be, that had been nominated, and put upon the list, and not chusing to be of the *batch*, I thought proper to decline the compliment. It was this which gave rise to my idea of such a candidate as Teague O'Regan for that honour. Some time after this, when delegates were about

to be chosen from the county where I resided, to frame a constitution for the United States, after the adoption of the federal government, I offered myself for this — considering it a special occasion; but to my astonishment and before I was aware, one of Shakespear's characters, Snout, the bellows mender, was elected. This led me to introduce Teague as a *politician*.

An excise law, under the federal government, having been carried into effect; and, it being obnoxious in the western country, and excise officers *tarred and feathered*, as you would a sheep, or an Indian arrow, it was with no view, but to burlesque the matter, that I made Teague a *guager*, or exciseman; and being a sans-culotte; which signifies,———I thought, a pair of breeches might not be amiss of any sort.

Being in a public station from the year 1800, I had to pay the usual *tax of obloquy* to men in office, from *Paddy from Cork*, &c.; and paying more than I thought my proportion, it was natural for me, to think of my bog-trotter, as one who would make just such an editor as some o these were. It was for this purpose, therefore, that it came into my mind to give him a journal to edit.

It was a *retrospection* to a past period *when a batchelor*, and recollecting the competition of those whom I thought undeserving persons, that I was led to caricature their pretensions with the success of my bog-trotterr. The fact is, I thought it might be of service to the young women in the choice of a husband, and save them from swindlers, who differed little from the quadruped, but in the horn and the hoof, which they had not about them.

I have had *individuals* in my eye, in all these matters, no doubt; but I do not name them; because they are not worth naming; nor would the subject admit it. General strictures of human nature, is all that can be expected, in these matters.

From the talents of some new editors of papers, who had never yet fleshed their maiden swords in a republic, but were from Ireland, Scotland, or England, and some that were from neither, but *turf-born*, in this country, the *peess* came to daggers-drawing with the *law*. The types disposed themselves; 1, against the *judges*; 2, against the *law*, and finally against the *constitution*. They got help from partisans on all sides; and these establishments were likely to be blown up. Learning was decryed; and it was no uncommon thing to hear members of the legislature thanking God "that they had never been within a college." There is now a considerable re orm

of the public way of thinking; candidates for state trusts begin to value themselves for having been *at school* and find their account in being thought able to read. It is not as it used to be, the enquiry altogether, whether a man be a plain unlettered person; or has had a *tincture of the law to poison his faculties. There is now actually a lawyer a speaker of the senate.* Heretofore you might have seen caucus-holding men at their wits end for some extraordinary kind of dunce to send to the house; upon the same principle, that the philosophers dig into the earth for a mineral, a science which is called Oryctognosy; or that they look for a shell on the sea-shore, or a beetle in the woods, to send to a musem.

The enquiry now is by these caucus people in every county, not only who is *honest*, but, who is *capable?* There are said to be *sixty-two new* members in the present session; I cannot say whether in the two houses, or in one, the old having been left out; and this on the principle, that they had missed a figure in calculation, and read four for three dollars.

In the courts of judicature, in this state, there had always been much delay: and this, in a great degree, owing to the length of Speeches; and note-taking. What else but this book has put that down. Does any body now hear of much excess in harangues? On the contrary, there is the utmost precision of thought, and brevity of expression.

Nor has it only been in forensic eloquence that there has been a curtailing, but in that of deliberative bodies. It is not from Pensylvania, that those interminable speeches come, which we hear of on the floor of congress. Is it not to be hoped that, when my books gets a circulation beyond the state, and into other parts of the Union, a retrenchment will be perceptible in the verbosity of members from other places, and that quality will begin to be consulted, and the quantity reduced? I could wish a tax were laid upon the time taken up in a debate. Why is it that congress do not buy up an edition of my book, and distribute it among the members? It would be of more use to them than the library of Monticello. If it lay with the President, I am confident he would not hesitate, had there not been so much said about the $50,000 to John Henry.

The people of Pennsylvania are so sensible of the use that it has been in this state, that there is scarce a parlour window without a MODERN CHIVALRY. Five booksellers have made a fortune by it: for I have never asked a cent from any of them for the privilege

of printing an edition, save in this last instance, where a few copies have been stipulated for the amanuensis to whom I have dictated what has been added to the work, and this for the purpose of distributing to his uncles, aunts, and first cousins, as the members of congress do the copies that are ordered to be printed, of President's messages, reports of ambassadors, &c.

I have said that I do not know that I shall write more, though I have some transactions in my mind, that I should wish to Chronicle; and characters that might be drawn.

THE END.